49

Act. C.P.

g. 28539 R.V.
2717 13.
Madan

Rec'd with state. Dec 13. Mr Cook

No. 52. One Enclosure.

Legation of the United States.

Peking October 7th 1878.

DEPARTMENT OF STATE RECEIVED DEC 6 1878

Chester Holcombe to the Secretary of State.

Subject.

Shanghai French riot claims.

Synopsis.

Refers to Mr. Holcombe's number 45, Prince Kung has ordered the losses of our people examined into and paid. German claims, amounting to $1600. settled.

No. 52. One Enclosure.

Legation of the United States.

Peking, October 7th, 1878.

Honorable William M. Evarts.

Secretary of State.

Sir:

Recurring to my despatch, number 45., in which I enclosed a copy of a note which I had addressed to Prince Kung requesting him to give the necessary orders to the authorities at Shanghai, to examine into and pay the losses met with by citizens of the United States in the riot within the French concession at Shanghai, in May, 1874, I now

now beg leave to hand to you a
1/52. copy of the response made by
the Prince.

You will see that he
states that he has issued the
instructions requested by me,
and I hope upon receipt of
your instruction, asked for
in my despatch referred to
above, to close this business at
once.

Baron Schenck, my
German colleague, informs
me that their claims amounting
to about $1600, have been paid.

I have the honor to be,
Sir,
Your obedient servant.
Chester Holcombe

Enclosure

Enclosure.

1. Prince Kung to Gen. Holcombe
61/1878. September 16th, 1878.

Dispatch No. 52.
Enclosure.

6/1878.

Prince Kung, Chief Secretary of State for Foreign Affairs, herewith makes a communication in reply.

I have had the honor to receive your despatch of the 5th instant in the matter of the losses sustained by United States citizens in the riot within the French concession at Shanghai, in May 1874, in which you remark that in December of last year Mr. Seward requested me to give the necessary orders that these losses be made good, and that he stated, in general terms, their amount, to which I replied that no such losses had been reported to me. You further remark that having been informed that the French Minister has received the sums due to his people for losses incurred in the same riot, you request me to issue instructions that the claims of United States citizens may also be paid, and that upon receipt of a favorable response from me, you

you will give the necessary instructions to the Vice Consul General etc. etc.

In response, I have the honor to inform you that, in conformity to your request, I have directed the Customs Superintendent of Foreign Trade, the Governor of Nieh[illegible] and the Customs Intendant at Shanghai to examine and pay the claims in question.

Thomas Holcombe, Esquire
Etc. Etc. Etc. Etc.

Peking, September 16th, 1878.

Wade

Files

No. 53.

Legation of the United States.

Peking, October 10th, 1878.

DEPARTMENT OF STATE
DEC 6 1878
RECEIVED

Chester Holcombe to
the Secretary of State.

Seen by Consular Bureau

Subject.

Rev. Bailey's exequatur.

Synopsis.

Rev. Bailey's exequatur having been received, his commission has been sent forward to him.

No. 53.

Legation of the United States.

Peking October 10th, 1878.

Honorable William M. Evarts,

Secretary of State.

Sir:—

In response to your instruction, number 237, which covered the commission of Mr. David A. Bailey as United States Vice Consul General at Shanghai, I have the honor to inform you that, in due course, I applied to the Chinese Government for Mr. Bailey's exequatur. Having to day received it, I have forwarded this commission to the newly appointed

appointed Vice Consul General.

I have the honor to be,

Sir,

Your obedient servant.

Chester Holcombe

File

Telegram

Oakland Cal.

Oct. 18. 1878.

Hon. W. M. Evarts.

Secretary of State,

Washington D. C.

Shall reach Washington November tenth unless sooner required.

Geo. F. Seward.

Index copy of pre-indexation of the Paper. Dec. 11. Mr. Polk.

made

No. 54 Two Enclosures.

Legation of the United States.

Peking, October 19th, 1878.

DEPARTMENT OF STATE
DEC
6
1878
RECEIVED

Chester Holcombe to the Secretary of State.

Subject.

"Jones land case" at Foochow.

Synopsis.

Hon. Mr Low reports that, at the request of Hon. Jones, he has settled the case by accepting a return of the money paid, and the release of the imprisoned Chinese. Hon. Holcombe has approved this adjustment. Correspondence enclosed.

No. 54. Two Enclosures.

Legation of the United States.

Peking, October 19th, 1878.

Honorable William M. Evarts.

Secretary of State,

Sir:

Referring to my despatch, number 39., covering certain correspondence between Mr. Hale Sano and the local authorities at Foochow, and also between this Legation and the Foreign Office in regard to a plot of land bought at the port named, by an American citizen, but of which he had failed to obtain possession, I now have the honor to submit a further report from our Consul,

by

54.

by which he informs me that, at the request of the complainant, he has closed the business in question by accepting the return of the money expended for the property and upon the release of the Chinese concerned, who had been imprisoned by the local authorities.

Perhaps it is unnecessary for me to remark upon Mr. Hill Lands criticisms upon the treatment which the case in question received by this Legation. I may say, however, that the Consul is quite in error in his supposition that my letter of July 11th to him called for a "restatement" of the case.

That

That despatch, a copy of which forms enclosure 6. of my number 39. to you, called his attention to the claim set up by the Chinese that the land under dispute was a public cemetery, and hence not the property of the Chinese who claimed to have sold it to Mr. Jones. As this was a vital point in the case the facts in regard to which seemed not to have been clearly set forth in Mr. Hle Lano's earlier reports to me, I requested him to examine more particularly into this claim, and to inform me whether it was, or was not, well founded.

I also enclose a copy of 2/04.
my reply to Mr. Hle Lano, in which

I

I have approved his action in closing the business, at the request of Mr. Jones, and upon the basis mentioned.

Asking for your instruction in this case, for my guidance in similar cases which may arise in future,

I have the honor to be,

Sir,

Your obedient servant.

Chester Holcombe

Enclosures.

1. Mr. Hle Land to Mr. Holcombe. No. 112. October 3rd, 1878.
2. Mr. Holcombe in reply No. 65. October 19th, 1878.

Despatch No. 54.
Inclosure 1.

Mr. DeLano to Mr. Holcombe.

No. 112.

Foochow, October 3rd, 1878.

Sir,

I have the honor to acknowledge the receipt of your despatch No. 62 of date September, 10th, in regard to the land case of Mr. Jones, in which you advise me that you have referred the case to the State Department for instructions, and that in the meantime you will press the matter as urgently as is prudent at the Capital.

You conclude by saying that a return of the purchase money should not be accepted without further reference of the case to you.

In reply I have to say that, on recurring to the records in the case, I find that it was referred to the Legation on the 6th of October, 1874, and on the 13th of March last I sent up at the request of the Minister - a copy of all the correspondence in the case, at the

same

same time mentioning the embarrassments to which Mr. Jones was being put subjected by the unfriendly action of the native officials, which was an intimation that speedy action at Peking was desired. Having no word from the Legation on the subject up to the 10th of July last I addressed myself to you with a view of ascertaining what action had been taken and what support I might expect from the Legation in pressing for an Equitable adjustment of the case. Judging from the nature of your reply, the case seemed to have been almost lost sight of by the Legation, as a restatement of it was asked for.

During all this time Mr. Jones was put to great inconvenience in providing shelter for his family, and soon after the date of my No. 108 to you he decided to send them back to the United States. Being a man of limited means it was essential that the money which was tied up in the land should be made available,

and

and it so happened that, only three or four days previous to the receipt of your despatch now under reply I had, at Mr. Jones' request offered the local authorities the option of placing him in immediate possession of the land, or refunding the purchase money and releasing the seller and broker, who had been lying in prison more than nine months.

The officials elected to do the latter, and I had no alternative but to abide by the compact, so they have taken possession of the land, the purchase money has been sent to me and the two victims have been released.

I regret exceedingly that the affair has taken such a turn, for there was a principle involved in the case which I much desired to see decided in accordance with the spirit of the treaty.

This mode of settlement will doubtless deter other natives from selling ground to foreigners, but it will lead to

greater

greater care on the part of those who would be purchasers. I shall hope to have the benefit of whatever instructions may emanate from the Department on the subject for my future guidance in dealing with like cases, should any arise.

I have &c. — &c.

(Signed) H. M. De Lano.

U. S. Consul.

Despatch No. 64.
Enclosure 2.

Mr. Holcombe to Mr. De Lano.

No. 65.

Peking, October, 19th, 1878.

Sir,

I have had the honor to receive your despatches numbered respectively, 112, 113 and 114.

As the "Jones land case," mentioned in your despatch last named, has been closed at the request of the complainant, in the manner described by you, it is, perhaps, unnecessary to explain the reasons which prevented earlier action upon it by this Legation.

You were entirely justified in settling the business in the manner indicated at Mr. Jones' request. I note your desire for information as to the instructions of the Department upon this case for your future guidance, and shall be glad to comply with it.

I am &c.

(Signed) Chester Holcombe.

Desp't
Rec'd Dec. 11.
Mr Folk.

Confidential.

No. 55.

Legation of the United States.

Peking, October 19th, 1878.

DEPARTMENT OF STATE
DEC 6 1878
RECEIVED

Chester Holcombe to the Secretary of State.

Subject.

Chinese emigration to Peru.

Synopsis.

Recites the course of events since the arrival of the Peruvian Minister in Peking. He has made no progress. Prospects not favorable for a solution satisfactory to the Government of Peru.

Confidential.

No. 55.

Legation of the United States.

Peking, October 19th, 1878.

Honorable William M. Evarts.

Secretary of State.

Sir:—

Since my despatch, number 41. of September 4th, was sent, which announced the arrival in this city of the Peruvian Minister, that gentleman has opened his negotiations with the Foreign Office hoping to secure a disapproval here of the course of the viceroy at Canton, and a removal of the restrictions placed in the way of Chinese emigration by Messrs. Olyphant

& Co's steamer "Persia", but thus far he has met with no success. Indeed, he cannot be said to have done more than commenced his operations.

Arriving in this city upon the 1st of September, he made his formal call upon the Prince and Ministers of the Foreign Office upon the 7th. This call was returned by a part of the Yamen upon the 14th, but it was not until the 26th of the same month that the Prince repaid the visit. This action was entirely exceptional to the usual course of such ceremonies here, and of itself indicated a certain feeling of indifference, not to say hostility toward the Peruvian

Minister

Minister. For His Imperial Highness was not unwell, nor absent from his official duties, nor did he trouble himself to send any apologies or excuses for his breach of Custom.

Immediately after this visit from the Prince, Mr. Elmore, by a note, asked for an interview with the Ministers upon his business. And here again a delay arose. His request was made upon the 27th of September, but an interview was accorded until the 4th of October. In this first discussion, which Mr Elmore informs me lasted about four hours and at which seven Chinese Ministers were present

present, the Peruvian Minister received the history of the treaty between the two countries, and the reasons which led his Government to make a contract with Messrs. Oliphant & Co. for the establishment of a steamship line between Peru and China. He also explained in detail the terms of that contract, and stated the difficulties which had been put in the way of emigration at Canton. He informs me that he stated with great clearness that Peru desired nothing but absolutely free emigration, and that no other form had been, or would be, attempted. To all of which, the

Ministers

Ministers made substantially no response, contenting themselves with saying that the establishment of a steamship line was a mistake, that it would have been better if no contract had been made with Messrs. Olyphant & Co., and that if their people desired to go to Peru, they would find ways without any special facilities for intercommunication between the two countries.

Upon the day following this discussion, Mr. Elmore addressed the Yamên in a short despatch, briefly reviewing the points made by him in their conversation, recurring to the unexpected obstacles met with at Canton, and concluded with

with the remark that although the interview of the preceding day was "quite satisfactory," he had still much to say, and requested another appointment at an early moment. After a week's delay, he received a very curt reply in which the Yamen said, in substance, that they did not understand why the "Persia" should be under the Belgian flag, nor why Messrs. Olyphant & Co., an American firm, should be engaged in the coolie trade, as it was well known that the United States Government interdicted most rigorously the engagement of any of its people in such business. They suggested that it must be that our Government

was

was ignorant of the conduct of the
firm mentioned. They added that
Mr. Elmore must have misunderstood
the purport of their part in the
conversation, that what they said
could not have been quite
satisfactory to him, since they
intended in their remarks to have
fully approved and sustained the
course of the Viceroy at Canton, which
was strictly in accordance with
the treaty; that the obstacles met
with at Canton could not
properly be considered "unexpected,"
since they were what might have
been expected, and that should the
"Peruvia" return to that port, she
would meet with the same interference
again, in case her agents endeavored

to

to engage in anything but
ordinary commerce. And they
concluded with this remark:—
"In short, we have nothing in
"view but the absolute protection
"of the Chinese people. If Peru
"is willing to carry out strictly and
"in every point the provisions of
"the treaty, our subjects will, of their
"own accord desire to emigrate
"thither, and hence there is no need
"of any further discussion. If,
"however, H. E. still desires to see
"us, you may name any convenient
"day and hour for an interview."

Mr. Elmore named the 15th
instant, upon which day another
long discussion occurred, but with
no result whatever.

Thus

Thus the business stands at the present moment. You will, I think, agree with me that the prospect of arriving at a solution favorable to the Government of Peru is very slight.

It is well understood that the representatives of Great Britain both here and at the ports are opposed to the reopening of emigration to Peru in any form. It is also probably true that the foreign staff in the Imperial Customs, a body of men whose influence with the Chinese is increasing every year, are using this influence in a manner to lessen the probabilities of any modification of the attitude of the Foreign Office. And I am bound to say that, in my opinion

the

the personal qualifications of the Peruvian Minister are not such as to give promise of a victory for his Government in this diplomatic contest.

Thus far I have had no occasion to do more in the way of extending my good offices than to advise Mr. Elmore as to the line of argument which it might seem best for him to take. I shall not fail to keep you fully informed of the course of negotiations in this business.

I have the honor to be,

Sir,

Your obedient servant.

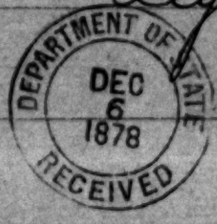
Chester Holcombe

Ack 6. P.

Confidential. Wades

No. 56.

Legation of the United States.



Peking, October 19th, 1878.

Chester Holcombe to
the Secretary of State.

Subject.

Convention between Spain and China

Synopsis.

The Spanish Minister has received the ratification of the Convention from Madrid. Discussion with Foreign Office about the form. The Chinese yield, but ratifications not yet exchanged. Reason for Señor de España's delay.

Confidential.

No. 56.

Legation of the United States.

Peking, October 19th, 1878.

Honorable William M. Evarts

Secretary of State.

Sir:—

I have the honor to inform you that the certificates of the ratification of the Convention between Spain and China, signed here in November of last year, were received from Madrid by Señor de España in August last. Upon his intimating to the Foreign Office a desire to exchange ratifications, a difference of opinion arose as to the procedure to be observed. The Prince and Ministers insisted that the original

Chinese

Chinese draft of the Convention, bearing the private signatures of the plenipotentiaries upon the part of China, which had, at the moment of signing the Convention, been delivered to the Spanish Minister, and by him sent to Madrid, should be returned to them. Señor de España refused this request, and insisted that the exchange should be made strictly in accordance with the form observed in Western countries. A lengthy controversy arose upon this point, each party strenuously maintaining its own ground. The discussion was complicated by reason of a report made to the Spanish Minister from his Consul at

at Canton. It seems that the
latter, in company with the
commander of a Spanish vessel
of war, paid a visit of ceremony
to the Viceroy there, who, in the
course of conversation remarked
that "the only two countries to which
"Chinese would not be permitted
"to emigrate, were Spain and Peru."
An explanation of this statement
was naturally demanded from
Prince Kung by Señor de España,
and he was informed that there
must have been some error in
the interpretation of the Viceroy's
language, as he could hardly
have made such a declaration
in the face of the Convention
between the two countries. Prince
Kung

Kung further promised to inquire into the matter and, if found necessary, to instruct the Provincial Authorities in the premises. With this, Mr. de España expressed himself as satisfied.

At length, after a discussion of some six weeks in duration, the Foreign Office was informed by the Spanish Minister that, unless the point claimed by them was yielded within five days, he should withdraw from the Capital. Thereupon the Chinese receded from their position and expressed their readiness to exchange ratifications upon the basis usually adopted.

But thereupon in turn, Mr. de

de España informed the Prince that he was obliged to visit Shanghai at once upon personal business, and the formal exchange must lie over until his return. He left here upon the 20th ultimo for Shanghai, where, at the last advices, he still remains.

It is well understood here, by the few who are in the secret, that the actual reason for this delay on the part of the Spanish representative, is not private business, but in order that he may learn what course the Chinese Government will take towards promoting, or preventing, Chinese emigration to Peru, before he takes the final step which will put his

his Convention with China into effect. The interests of Spain and Peru upon this question are, as you are well aware, identical, and China has made, to all intent, the same agreement with each.

I have the honor to be,

Sir,

Your obedient servant.

Chester Holcombe

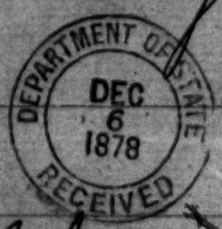
4

Mr Adee

Instruction as per indorsement of Mr Payson Dec 13. Mr Bach

No. 57. Four Enclosures.

Legation of the United States.



Peking, October 21st, 1878.

Chester Holcombe to the Secretary of State.

Subject.

Claims of Mr. A. A. Fisher.

Synopsis.

Refers to previous despatches, numbers 45. and 52. and covers report of Mr. Bailey, who thinks $5,000 a fair award. Mr. Holcombe doubts, for reasons stated, whether the Chinese will consent to pay so considerable a sum.

No. 57. Four Enclosures.

Legation of the United States.

Peking, October 24th, 1878.

Honorable William M. Evarts.

Secretary of State.

Sir:—

In continuation of my despatches, numbers 45 and 52, upon the claims of our people for losses sustained in the riot at Shanghai in May, 1874, and having more particular reference to the claim of Mr. A. A. Fisher, I now have the honor to hand to you a report by the Vice Consul General upon that claim, with several affidavits and letters, and a copy of my response, in which I ask

1/57.

2/57.

for

for certain medical certificates.

3/57 I also submit to you a copy of a private letter which I have received from Mr. Fisher, and

4/57 my reply.

You will see from Mr. Bailey's despatch that, in his opinion, a court and jury would award a sum not less than five thousand dollars for the injuries sustained by Mr. Fisher. While it is generally impossible to forecast the attitude which the Chinese Government will take in any given question, yet I doubt whether they will consent to the payment of the sum named, unless under very strong pressure. The fact that the French Minister

allowed

allowed only about $1.500 (Taels 1,000) each for the lives of the seven Chinese who were killed in this riot and killed, as the Foreign Office maintains, without just cause, will form a strong argument against the payment of a sum considerably larger to a foreigner who sustained only minor bodily injuries.

Respectfully awaiting your instructions,

I have the honor to be,

Sir,

Your obedient servant,

Chester Holcombe

Enclosures.

Enclosures.

1. Insr. Bailey to Insr. Holcombe
   No. 659. October 9th, 1878.
2. Insr. Holcombe in reply.
   No. 139. October 19th, 1878
3. Insr. Fisher to Insr. Holcombe
   October 12th, 1878.
4. Insr. Holcombe in reply.
   October 19th, 1878.

Despatch No. 37.
Enclosure 1.

Mr. Bailey to Mr. Holcombe.

No. 659. Shanghai, 9th October, 1878.

Sir,

I have the honor to submit herewith Enclosures Nos. 1. 2. 3. 4. and 5, being affidavits and papers concerning the case of Mr. A. A. Fisher, wherein that gentleman claims damages in the sum of (10,000) Taels Ten Thousand for injuries received at the hands of the Chinese during a riot in the French Settlement at this port on the 3rd day of May, 1878.

After a careful and patient hearing of the case of Mr. Fisher, I am of the opinion that he is entitled to considerable damages, for the serious and permanent injuries which he has undoubtedly sustained.

I should scarcely think he can expect an amount so large as Ten Thousand Taels, although I fancy no one occupying a similar position in life with Mr. Fisher would willingly be disfigured and injured to the extent he is for that sum, or in-

ded

indeed for any reasonable sum that could be named, but I should say that a court and jury upon all the facts as they have been presented to me would award him not less than ($5,000) Five thousand dollars, as a compensation, which, although not adequate, would best approximate the measure of damages, considering international questions, to be in all good conscience awarded to him.

Have etc. -

(Signed) David H. Bailey

U.S. Vice Consul General

Shanghai, October 1st, 1878.

Mr. A. A. Fisher of this place having called upon me professionally to consult me in regard to his mouth and teeth (in the month of July last) I can state that I found that he had lost two front teeth, that the alveolus (bone) was in a bad state of inflamation caused by small pieces of bone still remaining there, and that to my knowledge Mr. Fisher must have been put to considerable trouble and inconveniences from said inflamation, judging from the condition the jaw was when I first saw it. I can also state that I treated Mr. Fisher with a view to the reduction of said inflamation, and that he is still under my care for the same. That Mr. Fisher has been put (as he informs me) to the expense already of two sets of artificial teeth, and that he will in all probability have to incur the additional expense.

J.

of a third set of teeth to replace those lost, as the fracture in the alveolus above referred to has rendered the first two sets of artificial teeth quite useless.

In short, the injury received by Mr. Fisher is considerable, and I cheerfully testify to the above facts.

As to the cause of the injury, I have only Mr. Fisher's testimony and statements to depend upon, which is, that he received said serious injury in the riot which occurred in the French Concession, Shanghai on or about the 3rd of May, 1878. — but from the condition of the mouth and my knowledge of such injuries (their cause and results) I have no reason to doubt in the least but that the said injury was occasioned by the blow or blows received by Mr. Fisher as he has stated.

(Signed) H. H. Winn D.D.S.

Sworn to before me
this seventh day of
October, 1878.

(Seal.)

(Signed) David H. Bailey
U.S.A. Consul General

Shanghai, October 5th, 1878.

I remember the Sunday evening 3rd of May, 1874 A.D. when the riot took place in the French Concession, I was at the scene of disturbance. The rioters were collected in large bodies all along the road and were very much excited, throwing stones and bricks at foreigners, setting fire to buildings, and destroying property generally. I saw Captain Lowell and Mr. Fisher in a trap passing down the Rue du Consulat. I heard loud shouting and on looking around the mob was throwing stones and bricks at Captain Lowell and Mr. Fisher; they hurrying to get out of the way of the Chinese. Later in the evening I returned to the English settlement and heard Mr. Fisher had been severely hurt, called at once to see him; he had just returned from the dentist, his head and face were cut up, two of his front teeth knocked out, and the wounds bleeding quite freely, his clothing was besmeared

smeared with blood and he complained of being in great pain. I saw him almost every day for a long time afterwards and he frequently mentioned of the pains he was suffering from the wounds he had received in the riot. Was acquainted with him for several years before the riot took place.

I am a German subject and have been a resident in Shanghai for about sixteen years and for several years manager of the "Club Concordia".

(Signed) Geost. Baffy

Manager of Club Concordia.

(Seal)

Subscribed and sworn to before me this 7th day of October A.D. 1878.

(Signed)
David N. Bailey
U.S. Vice Consul General.

Shanghai, China.

October, 11th, 1878.

Having been called upon to make a statement by Mr. A.A. Fisher, Builder and General Contractor, Foochow Road, Shanghai, of what I know of the Riot which occurred in the French Concession at Shanghai on Sunday, May, 3rd 1874.

I respectfully beg to state that I have been acquainted with Mr. A.A. Fisher, for the past ten years, I remember the above date mentioned quite well, I remember meeting him the day previous to all appearance his face and teeth were in perfect condition.

On the Evening of Sunday, May 3rd, 1874 hearing of Mr. Fisher being severely injured as well as others, I was anxious to ascertain the facts, saw him the following morning - his face, and lips, were cut up, and his front teeth were broken out, he told me he was in great pain from the injury he had received, I asked him how it occurred, he told me he was driving out with a friend at the time through the French Concession, being perfectly ignorant of the state of affairs in the

French

French Concession, until he came to the place where the disturbance was going on, almost instantly he was violently assaulted by a number of Chinese who wilfully and maliciously stoned him and his friend with Bricks and Stones, while sitting in his carriage.

I may further state that I have met the aforesaid Mr. A.A. Fisher almost every day when residing at Shanghai since the date of the above mentioned Riot, and have heard him repeatedly complain of his sufferings from the Effects of the Assault received on the day aforesaid mentioned.

(Signed) George L. Skinner
Sergeant of the Shanghai
Municipal Police Force.

Subscribed and Sworn to
before me this fifth day of
October, 1878.

(Signed) David H. Bailey
H.B.M. Vice Consul General.

(Seal.)

Shanghai, October 9th, 1878.

David N. Bailey, Esq.

U. S. Consul General.

Sir,

I wish to bring before you for adjustment my claim against the Chinese Government for personal injuries and other damages I sustained in the Riot which took place in the French Concession on the 3rd of May, 1874. A.D.

May 6th, 1874. I wrote to Geo. F. Seward, Esquire, at the time U. S. Consul General asking him to take such steps in the case as would justify to obtain for me the amount of, say Taels Ten thousand Rs 10,000.- which I claimed for the injuries and damages I had received in the Riot.

I learn that the claims of the sufferers of other nationalities which occurred at the same time in the Riot, have been brought to a settlement, and I am very much surprised that nothing as yet been done in my case.

The

The circumstances under which I claim the above damages are herein annexed. I have been a resident of Shanghai about fifteen years, Engaged as importer of foreign goods and a member of the late firm of Muller and Fisher - General Contractors.

On the 3rd of May, 1874 A.D. I was returning from a quiet drive to the Bubbling Well in company with Captain Lowell" now deceased." We discovered a Fire in the French Concession and drove in that direction. When nearing the vicinity of the Fire - I discovered that the conflagration was the work of a Chinese Mob and Rioters. I immediately drove from them the most direct route home which was in the English Concession.

In passing down the Rue du Consulate and near the French Municipal Hall we were assaulted with bricks, stones, bottles etc. thrown at us by the Rioters - "hundreds in numbers", some of the flying missiles hit and wounded me about the head, face and knocked out two of my front teeth besides doing other damages

6

to my carriage and clothing.

The wounds I have received very much inflamed my health and up to this date not fully recovered after an elapse of more than four years, during which time I have suffered extremely from the effects of a fractured jaw, bone which was broken at the time the teeth was knocked out.

During the past four years the jaw has been in a continual ulcerating state, and at two different times it has become necessary for me to undergo the painful operation to have loose pieces of bone removed by Dentists and am now under their treatment for the purpose of getting the jaw into a healthy condition.

I have been to large expenses for Dentists services, having had three sets of teeth made which has proved useless owing to the unhealthy state the jaw was in.

The injuries and damages I have thus sustained for which I claim Fails Ten thousand Pds. Ten,000. — I do not consider exhorbitant or more than sufficient to compensate

me

me for the sufferings I have undergone and more es ar the injuries are irrepar-able and disfigure me for life.

Herewith I hand you affidavits of proofs as I am able to obtain at this date trusting it will be sufficient to substantiate the above facts, and at the time I handed my claim to Mr. Seward I attached certific-ates of Dr. Hopkins and Richon who at-tended me at the time I was hurt in the Riot.

Those documents I suppose has been forwarded to Peking and should now be on file at the U.S. Legation.

Therefore pray that your honor will take immediate action to bring the case to a settlement with as little delay as possible and I shall ever pray to remain your obedient servant.

(Signed) A. A. Fisher

Sworn to before me
this 9th day of October,
A.D. 1878. at Shanghai
(Sd) David H. Bailey
U.S. Vice Consul General

(Seal)

Shanghai, China.

October, 8th, 1878.

A. A. Fisher, Esq.,

Dear Sir,

In response to your Enquiry- I can state that on the 4th of May - I think it was - 1874. I saw you soon after you were attacked by a multitude of the rioters on the French Concession. When your front teeth were knocked out, by a bottle, large stone, or other heavy instrument - Your jaw bone seriously damaged - and you yourself rendered insensible for some time. And even after you became sensible, you seemed to me, to be very much shaken - and in a critical condition of health - I consider the damages you sustained at the hands of the mob - irreparable - as false teeth are a defective, or permanently damaged jaw bone, can never be worth much. These were my views at the time and your present condition proves them to have been correct.

Yours faithfully,

(Signed) Matthew Yates.

Despatch No. 57.
Enclosure 2.

Mr. Holcombe to Mr. Bailey.

No. 139. Peking, October, 19th, 1878.

Sir,

I have had the honor to receive your despatch, number 659, with its enclosures, being your report upon the claim of Mr. A. A. Fisher for compensation on account of personal injuries sustained in the riot at Shanghai in May, 1874.

I notice in enclosure No. 4. of your despatch Mr. Fisher's statement that, immediately after the riot he handed to Mr. Seward, then Consul General, Medical certificates from his physicians, Drs. Hopkins and Dickson. He adds that he supposes these papers were sent to the Legation. No such documents are on file here, and as they form important evidence in his case, will you please have search made for them in the Consulate General, and if found forward them to me.

I shall hope to receive your report upon the claims of the other parties in interest, at your convenience.

I am &c (Signed) Chester Holcombe.

Despatch No. 57,
Enclosure 3.

Shanghai, October, 12th, 1878.

Dear Mr. Holcombe,

Since my documents has been forwarded to you by Mr. Bailey, I have obtained a report of the Riot which I send to you in additional evidence of my claims. I am in hopes the matter is now in shape to be acted upon.

Owing to the dull times and my business destroyed by fire I think of leaving here about the first of the year for the U. S. not to return again to Shanghai, and if the case can be brought to a settlement by the 31st December next, I shall be obliged.

The claims of other nationalities being now settled I hear, it would seem that ours could be brought on with but little delay and if you will be kind enough to give it your early early attention I shall certainly esteem it a very great favor and be pleased to approve any arrangement you may make towards a settlement. I have only to call your serious attention to the nature of the injuries I have sustained as set forth

forth in my statement, which of course no compensation however large can make good and no amount of money, could induce me to undergo a like misfortune.

The whole affair is now in your hands and I trust you will do the best that can be done in my behalf which will be appreciated.

I remain

Yours very sincerely

(Signed) A. A. Fisher.

RIOT ON THE FRENCH CONCESSION.

(From "The North-China Herald and S. C. & Consular Gazette.")

We stated last week that the project of making certain roads alongside the Ningpo Joss-House was causing strong irritation among the Ningpo Chinese. This feeling culminated on Sunday in a serious riot, during which a number of houses were burned down and several lives lost.

A Chinese mob assembled on Sunday afternoon in the Quarter of the French Settlement near the Ningpo Joss-House, attacked the house of the Inspector of Roads, maltreated M. Percebois and his family, gutted and subsequently set fire to his house; attacked the neighbouring house, occupied by Miss Maclean, a missionary lady, seriously maltreating the occupants; and went on to burn down M. Charrier's Stables (in the neighbourhood) and a number of adjacent Chinese houses.

Eight Chinese met their death in the riot, one being shot during the first attack on M. Percebois, and the others shot or bayonetted later in the evening.

The Volunteer Force was called out at 9 P.M., and warning of their arrival induced the rioters to disperse; the streets were nearly empty when the men reached the ground. While it lasted, the incendiarism seems to have been of the most determined character, the rioters thrusting wisps of burning straw into the premises they wished to destroy.

Rumours had reached the Chief of the French Police that an outbreak was imminent, and the heads of the Ningpo Guild had indeed represented to the Taotai, and the latter to the French Consul, that the excitement of the people was becoming serious. Still the extent of the danger was not fully credited. The leaders of the Ningpo community affirm, and there seems reason to believe them that the riot occurred against their wish and wholly without pre-arrangement. But public feeling was excited to the point at which an incident suffices to cause explosion.

The immediate cause in the present instance seems to have been a collision, about 2 P.M., between some Ningpo men and the Police. The Police declare the Chinese attacked them; the Chinese, that the Police first used violence. However this may be, the fact remains that a policeman on his beat at the western end of the Rue du Consulat was maltreated by a crowd of about 200 Chinese He was hit in the side, his sword taken hold of from behind and pulled from the scabbard, his shako knocked off, and the man was otherwise beaten badly. Some Europeans passing came to the rescue, and conveyed him to the Central Station. The next thing heard at the Station was through M. Percebois, the Inspector of Roads, who came in with his wife and five children. M. Percebois showed wounds on his head, and stated that his house had been surrounded, the windows smashed in, the rooms gutted, and that the place was also being set on fire. He had been injured by stones, while his wife had been dragged by the hair along the ground. She managed to escape down the Rue Wekwei however, and three sailors from the mail steamer *Tigre*—who were also assaulted, and one of whom lost his watch—secured the safety of the children and brought them to the Station. M. Barbe, Chef de Police, sent to advise the Consul-General of the disturbance, and went with the Police at hand, under arms, to disperse the crowd. When they arrived they found a great number of Chinamen, dancing in rings, with the clothes of Mrs. Percebois parcelled out amongst them, after having gutted the house and smashed everything to minute atoms. The house was a perfect wreck from top to bottom. The police fired three or four shots, as M. Barbe states, in the air, to intimidate the mob.

M. Barbe at this time received instructions from the Consul-General advising prudence and a quiet bearing, and he accordingly prepared to retire his men, feeling that, with weapons in their hands, they might be apt to retaliate for the stones flung at them. Another reason for retiring was that a report had reached M. Barbe that the Municipal Hall, which he was compelled to leave comparatively unguarded, had been attacked by a section of the mob. While they were coming back, M. Barbe states that he heard some shots fired, but that they were not by his men. As soon as they got back, the Municipal Compound was partly surrounded, and the mob began to tear down some wooden railings and smash lamp posts. Opposite the main entrance two Europeans in a trap were stopped and compelled to go back. Sentries were then placed all round the compound, inside.

About 7 o'clock the mob again came to the charge, and set fire to M. Percebois' house. M. Charrier's stables, exactly opposite, were also set fire to, as well as some new Chinese houses in the Rue Hué, in the same neighbourhood. The mob prevented the mafoos from taking out the carriages stored at M. Charrier's, which were therefore destroyed, but the ponies got away. About this time a lieutenant of the French gun-vessel *Couleuvre* came on the spot with twenty men, and took command of the situation. Fifteen volunteers were sent under a sergeant of police to protect the gasworks, and remained there. The police did not return to the scene of the fray.

At 9 o'clock the East Gate Police Station, where only four men were placed, was attacked, and twenty sailors from the U.S.S. *Ashuelot* (of whom a detachment of eight with one gun had been landed) were sent there. Forty more were temporarily stationed in the Consular Compound and the remaining twenty at the Hotel Municipal, where they were quartered in the large hall. A hundred and fifty Chinese soldiers from Knou-chang-meau were also sent in by the Chinese authorities, at the request of the Consul-General. The Chihsien was asked to secure ten of the leaders of the mob, in order to afford a clue to the real raisers of the disturbance, but up till 10 P.M. only three prisoners had been made. Many of the Chinese in the neighbourhood of the fires and of the Municipal Hall began to remove their effects, owing to warnings they had received from the rioters that their houses would be burnt down. M. Barbe's detectives had reported on Saturday morning that an incendiary attack was being planned, but he had hoped that it only related to a mass gathering of the Ningpo men, such as had already been held.

About 6.30 M. Voisin, Chairman of the French Municipal Council, sent a request to Mr. Fearon, Chairman of the English Council, for the support of the S. V. C., to which Mr. Fearon replied that he would lose no time in taking steps to give the desired aid. Mr. Fearon did so after consultation with the Consuls and the Commanders of the Naval forces.

The foregoing relates almost wholly to the attack on French property, but with this the mob had not stopped. Following up the attack on M. Percebois' house, they at the same time assailed the neighbouring one, tenanted by Miss Maclean, late of the Union Chapel Mission. Here they knocked in the windows, and assaulted the inmates—Miss Maclean, and Messrs. D. Cranston and Weir (chief-engineer of the steamer *Gordon Castle*.) Mr. Weir escaped with fortunately slight injuries, but Mr. Cranston received a severe wound on the head from a stone, as well as other injuries, which have necessitated his removal to Hospital. Miss Maclean was thrown down the stair of the house and roughly treated, but upon her calling out to the mob in Chinese that she was not French, they desisted, and friendly hands helped her to a place of safety. The furniture of this house was then partially saved by foreigners who went to the scene after the French police had checked the mob. The appearance of a number of foreigners and the Chinese authorities—the Chehsien and Magistrate of the French Mixed Court—restored a season of quiet; but still the mass of Chinese remained on the open space between the places attacked and the Ningpo Joss-House, and surged about excitedly. At this time there were probably over 5,000 Chinese on the ground. The Chehsien and his chair were the objects of hostile demonstrations, but he was ultimately allowed to pass through. One Chinaman had been shot, either by the police, by M. Percebois, or by a friend who had been with him when the house was attacked, and round the body a dense mass of his countrymen were gathered.

About 6.30 foreigners began to leave the scene, under the impression that the worst had happened, but as it became dusk the rioters returned to work. The flung stones very freely at passers-by—Mr. Fisher—(of Messrs. Muller & Fisher) was cut on the temple and mouth, and had some teeth knocked in, while driving along the Rue du Consulat in his carriage with Captain Lowell; and, we believe, other cases occurred. At 7 p.m. the fire-bell again announced that incendiarism had been resumed, and it was found that the premises mentioned in the particulars furnished us by M. Barbe, had been fired. A number of (French) volunteers and firemen were stoned, and shots were fired and bayonets brought into use, with the result that at least five more of the rioters lost their lives, while several were sent to hospital dangerously wounded.

We should remark here that, throughout the whole affair, the Fire Brigade did efficient and valuable work. We cannot attempt to specialise services rendered amid much confusion and excitement; but believe we are right in selecting the Hongkew Hook and Ladder Co., the Mih-ho-loongs, and the Deluge Steamer, as having been especially useful.

A few English police who were present without arms, lent assistance in overawing the mob and protecting the property threatened, and they arrested two of the ringleaders, as well as four foreign sailors, who were found bearing off some casks of wine.

At 8 P.M. the Chairman of the Anglo-American Municipal Council called out the Volunteers, who were ordered to muster immediately at the Main Guard, where the Treaty Consuls also met in consultation. The men were formed up in the road, Rangers on the right, and Nos. 1, 2, and 3 Rifle Companies and the Mih-ho-loongs in the order named. The news was that the excitement was subsiding; but it was thought well to march the Force into the French Settlement, and especially round the quarters where the rioting had been most active. Even if their active services were not required, their presence would tend to deter further outbreak. Captain Cann announced that Captain Hart would take command for the evening; and the Force was countermarched to the Bund, along which they proceeded to the Rue du Consulat, and down that street to the Municipal Hall. Here a halt was called, while further measure were concerted, and Seamen from the *Ashuelot* came up. The whole Force was then marched down past the scene of the conflagration to the Ningpo Joss-House, where it was rumoured that some of the ringleaders were shut up—as well as that a number of rioters were assembled on the Green, with the intent to stone all comers. Whether the reports were imaginative, or whether any Chinese who may have been out there, decamped on hearing of the approaching Force, we cannot say. At any rate not a man was seen.

The Volunteers were then formed in column opposite the entrance to the Joss-House (in the French Road), the Rangers patrolling the road, while the Sailors proceeded—in the presence, and by the wish of, the Chehsien—to break open a side door on the Settlement side, through which the Magistrate, accompanied by the British, American, German and other Consuls at once entered. But here the result was the same—no one was found; and after a thorough search, the Volunteers were marched back in reversed order to the Bund.

Near the Custom House, the Force was formed up in column, while Captain Hart addressed a few words of thanks to the men for the steadiness with which they had obeyed orders; and announced that in case of fresh alarm four guns would be fired from the U. S. corvette *Ashuelot*, when they were at once to muster at the Main Guard. Mr. Fearon, as Civil Commandant of the Corps, also complimented the men upon the readiness with which they had turned out, and on their steady and soldierly bearing. Fortunately, their active services had not been needed; but their conduct gave a proof of efficiency which would increase the confidence of the community in their capity to maintain order if required. He thanked them in the name of the community.

The Force was then dismissed—at about 0.30 A.M.

Subsequent to this time no fresh attempt to disturb the peace of the Settlement was made. Chinese soldiery occupied the streets in the neighbourhood of the disturbance during the night of Sunday-Monday, and the men-of-war's men from the *Couleuvre* and *Ashuelot* guarded the Municipal buildings. Some few foreigners residing nearest the threatened quarter removed to the English side, and many of the native residents took the same precaution; but there arose no occasion for alarm. On Monday morning it was reported that disaffected crowds again filled the streets, and an "Express" reminded the Volunteers to turn out at the pre-arranged signal of four guns. A visit to the locality, however, showed

that though certain portions of the streets were unusually crowded, and a number of people were grouped about the Ningpo Joss-House, all was perfectly quiet. The bodies of the dead, to the number of six, had been removed across the creek to a place close by the City Wall, where thousands visited them; but there was no display of feeling. A meeting of Treaty Consuls was held during the afternoon, when they resolved to use all the force at their disposal to maintain order. The Taotai was invited to join the meeting; he agreed in condemning the action of the mob, and promised to issue a proclamation that such outbreaks would be repressed by all available foreign and native force.

During the day, however, the following proclamation was issued by M. Godeaux, Consul-General for France, ceding the whole question and virtually stultifying his colleagues.

AN URGENT PROCLAMATION.

"Since I have been in office in Shanghai, all the merchants of the Settlement have received protection and lived in quietude. At present, erroneous reports have been spread stating that the French intend to remove or destroy the buildings of the Sz-ming-kung-so (Ningpo Joss-House), and that it is also intended to build horse roads on the grounds, and thus to interfere with or damage the graves. These are the reports of worthless men, who are spreading false rumours to excite the people. The head men of the Sz-ming-kung-so at present petition to have the plans of the roads changed, and a further request has been received from the Taotai and likewise one from the Chehsien, begging that we will give consideration to the public feeling. An instruction has accordingly been sent to the Municipal Council to reconsider and change their previous plans, so as not to injure the buildings of the Guild or the disturb the graves in the cemetery. They are not only not to construct a road, but they are to desire the head men of the Sz-ming-kung-so to erect a wall round the limits of their property to define the boundaries, and thus avoid future misunderstanding.

"The foregoing proclamation was about to be issued when, unexpectedly, a lot of foolish people, not waiting for a reply to their representations, daringly assembled together and created disturbance. The matter is much to be regretted, and on this account we issue a proclamation ordering all the merchants and people in the Concession that they should live peaceably and attend to their business, and not give ready ear to false reports, which lead to matters to be repented of when too late."

The view taken by the Municipal Council of the Consul-General's instruction (or request), is shown in the minute of a special meeting of the Council of the 4th May. They unanimously refuse, in view of the excesses of the previous day, to reconsider the question of the roads, till the tendency to riot has disappeared, and justice—by which we suppose is meant compensation—has been afforded. The Council also express the opinion that the regrettable occurrences of Sunday might have been easily stayed at the outset, had the Consul-General taken a more energetic attitude.

We may add that not only had no "instruction to reconsider and change their provious plan" been received by the Council, at the time his proclamation was issued; but that, even on the following day, no communication on the subject had yet reached them. We are informed that the Council met on Tuesday afternoon, and addressed to him a dignified remonstrance concerning his silence.

Though there are doubtless many details of interest which might be added, we do not find ourselves in a position to offer much more than are given above, regarding the disturbance itself. On one important matter, viz., the loss of life, we have made many inquiries, but without satisfactory result. Accounts conflict as to who engaged the crowd between 7 o'clock and 8.30, but we are credibly informed that a party of about a dozen French police then drove them back with the bayonet. Certain it is, however, that the mob was than working itself up to the crowning pitch of recklessness. Men were rushing about with lighted wisps of straw, and some foreigners, the English police included, who were regarded as neutral in the affairs, were warned away. The mob deliberated for some time whether the house which Miss Maclean had occupied should be included in the conflagration, and once resolved to spare it, but afterwards set it on fire. A party of irregular volunteers, it is stated, fired into the crowd and charged them with the bayonet. Some of these men had received arms from the Municipality; but there were others, we are told, who were acting with private weapons and in too independent a manner. That the mob required a severe check by force of arms, there is no doubt; but the check should have been offered by an organised body, and not by individual action which is likely rather to irritate than to subdue. And we are sorry to have to report what we conceive to have been, in some instances, judging from the appearance of the bodies, an unnecessary amount of violence. One informant says he saw a man shot; after he fell he endeavoured to escape, upon which his assailant ran up and hewed him down with a cutlass. Another reports that he saw a man fire deliberately at some one standing quietly by the edge of the crowd. A third gentleman, who assisted some of the wounded to Dr. Johnston's Chinese Hospital, stated that he noticed what he considered attempts on life, not altogether warranted by the immediate emergency, and that when he pointed this out to the firing party, he was told to mind his own business.

We may add, that it was chiefly owing to the extreme reluctance of the French Consul to send for a regular force from the *Couleuvre*, that the Council placed arms in the hands of the civilians who came into the Municipal Compound at a time when it was surrounded by an immense mob of excited Chinese. Had the Regulars been applied for earlier, the arming would have been unnecessary. When the Seamen of the *Couleuvre* arrived, many of these volunteers left the Compound with their arms; and it was not till the following morning that they could be called in. We ourselves noticed one man cruising about with a rifle and fixed bayonet, at the time the Volunteers were drawn up opposite the Hall, in a very unfit condition to have charge of the weapon. The Council ought no doubt, strictly speaking, to have cared that arms issued in an emergency were not carried away by men under no organisation. But it is difficult to be precise in time of excitement.

Respectable Ningpo-men say that comparatively few of their number were among the crowd, which was largely made up of rowdies hoping to get loot through their incendiary proceedings—men who, as one Chinaman told us, are reckless of their own lives or of those of others. Shanghai is no doubt the haunt of many such, and the affairs is only too striking an illustration of the necessity for being ready to meet an emergency like the present. Besides the six found dead on the ground, from shots and bayonet wounds, eight more were taken to the Chinese Hospital. Of these, one man, shot through the liver, has died, and his body lies unclaimed. The other cases were of a gunshot wound in the right lung, sufferer likely to recover; gunshot wound of the right thigh, which involved amputation of the

limb; a man who had his thumb cut off and a severe scalp wound; one who had his forefinger amputated; one with a sword fracture of the skull, and a boy suffering from injuries caused it is supposed by getting trampled on. We are glad to think that, if sharp punishment has been meted out to some of the aggressors, humanity has also interposed to save others from the consequences of their folly.

On Monday afternoon, the Volunteers were ordered to parade, and at 5.30 about 200 men turned out, the Artillery mustering two guns, fully manned. The Force was again taken command of by Captain Hart, and marched down by the French Bund; thence, after a short halt in front of the Consulate for consultation, along the Rue du Consulat, by the scene of disturbance and the obnoxious road at the Ningpo Joss-House. Without halting, it continued the march homeward by the Defence Creek and the Maloo, and dismissed on the English Bund, after a renewed caution from Captain Hart to be on the alert for the signal.

At 9.15 the alarm came, and the members of the Force deserve the warmest credit for the alacrity with which it was obeyed. Within half an hour from the time the first gun was fired, fully 200 men of all arms had fallen in at the Main Guard, the Artillerymen pluckily dragging up their gun, in default of available ponies. Ball cartridge was served out, and the Force was marched down to the Bund—when the alarm was discovered to be false. It seems that the agreed signal of danger from the French Concession, had been the exhibition of two lights at the French Consulate; and that the same signal had been agreed on between M. Godeaux and the Commander of the *Elk*, in case a guard were deemed necessary at the French Consulate. On board of both ships two lights were observed—and taken for the signal; but it seems that none was really made. It only remained therefore for Captain Hart to congratulate the men again on their ready response to the call—and to dismiss them.

Efforts were being made, on Tuesday, to stay the exodus from the Concession of those Chinese who might be trying to escape consequences, or who feared a renewal of the riot. The French Mixed Court Magistrate, we hear, visited a number of native places of business which had closed, and encouraged them to re-open. We confess it appeared to us that, on the morning after the affair, the people in the neighbourhood were going about their customary business in a very unconcerned manner; but there seems really to have been considerable uneasiness. Wheelbarrow hire on the Concession rose to six or eight times its normal rate, consequent on the demand by those removing; and boats to Soochow raised their rates from about $8 to $30. The Chinese house market this side the Yang-king-pang received an impetus by the extra demand for accommodation, while on the French side it was correspondingly depressed. About 1,000 people are believed to have gone to Ningpo. Soochow-wards, the flight was checked by the Chehsien ordering that boats with fugitives, the timid or the turbulent, should be turned back at the Sunghoo barrier, about ten miles from Shanghai.

Everything was perfectly quiet on the French Concession. Chinese guards are still posted at corners of the chief throughfares, and by the Ningpo Joss-House; but the need for them appears to have quiet ceased. There was usually a small cluster of gazers about the Joss-House—attracted in part, seemingly, by a proclamation which was there posted, and in part by chalk marks about the disputed Rue de Ningpo, indicating, perhaps, the proposed enclosure. We subjoin a translation of the notice, which emanates from the Ningpo Guild, and was, we believe posted on Sunday—tending therefore to support the statement of the headmen, that they are not responsible for the riot.

PROCLAMATION BY THE NINGPO GUILD.

"The Guild has already petitioned the Taotai and Hsien in the above matter, and these authorities are in correspondence with the French Consul-General, begging him to direct the Municipality to alter the proposed course of the road; and the matter is all but satisfactorily adjusted. Let all our fellow provincials, therefore, mind each his own business, and not assemble in crowds to follow unlawful counsels and create disturbances.

"T'ung-chih, 13th year, 3rd moon."

The following amusing proclamation was issued by the Taotai on the evening of the 19th of the Chinese moon (4th May)—the night after the fire, which it treats as an accident.

A GENERAL PROCLAMATION.

"Whereas on the French side some houses caught fire and the populace assembled in multitudes to witness it, I then sent out mandarins with seals [the Chihsien and Waiyuen or official deputy of the Taotai] to lead soldiers to put out the fire and to restrain the mob. The Ningpo merchants of Shanghai and people generally should attend to their own affairs and keep order. If there should be any found inventing idle stories and inflaming the minds of the populace, or laying hold of causes to create a disturbance, they must be regarded as vagabonds and ruffians, who have no respect for the law, and will be at once arrested and dealt with summarily. It is proper that I should inform the soldiers and people by proclamation, that they must one and all respect, and not disobey, the laws."

On the same day appeared the following proclamation (by the Taotai) which is dated the 18th of the moon (3rd May), the day of the fire, but (it is said) was not issued till the following day.

GENERAL PROCLAMATION.

"It appears that the owners of the lands of the Sz-ming-kung-so have asked that the opening of a road shall not be carried out; some time ago the headmen of the Ningpo Guild, Chow Ta-lin, Chow Chung and others, came to the Yamên with a petition, and I at once communicated with the French Consul-General, requesting that he would order the Members of the Municipal Council to act in accordance with it. Although I did not receive an official [or written] answer, a Waiyuen [Deputy or Interpreter] had already communicated with the Consul-General's verbal reply, to the effect that the Councillors were absent from Shanghai, that it would be necessary to await their return, when the matter would be discussed. The Consul-General, however, with a clear preception of Chinese affairs, knowing that the

Sz-ming-kung-so had existed for a very long period, that the graves there are extremely numerous, and that if the road opened it would be difficult to avoid injury to them, promised to instruct the Council to stay proceedings, and thus to bring the affair to a satisfactory termination. The heads of Sz-ming-kung-so had waited also on the Consul-General with a petition, and earnestly entreated him, and he likewise assented to their request. All this is on record. It therefore behoves people quietly to wait till the matter is discussed and settled. There is no reason for seeking excuses to create a disturbance. I hope that the people and merchants of Ningpo will in future attend to their occupations and carefully keep within the pale of the law. You must not lightly believe idle stories and illicitly cause commotion, laying yourselves open to be brought to trial and examined and punished. There will be no excuse. Do not disobey. A special proclamation."

The following was issued on Tuesday (5th May), 20th of the moon :—

"H.E. SHEN, Taotai, issues another proclamation, for general information.

"It appears now that the horse road is not to be constructed within the bounds of Sz-ming-kung-so; and I have directed the elders of the Guild to immediately put up a wall in order to define the boundaries. I have already personally interviewed the French Consul, and by consultation arranged that he will issue a proclamation, and I have no doubt that the proclamation in question has been generally seen. In all matters connected with foreigners and Chinese, the people should invariably await the decision of the mandarins, and should not create disturbances. If, after this, rowdy characters do not respect the injunctions of the authorities, but concoct idle stories, and inflame the hearts of the multitude even unto quarrelling and fighting in numbers, I shall decidedly deal with them with the utmost severity of the law. But I cannot bear to punish without warning; therefore it is right that I should, in incisive (or unmistakable) words, warn you. I trust that the merchants and said people will all be aware of this. You have each of you families, and while there is yet time ought to awake to the importance of respecting the law, attending to their business, &c. I very much grieve for the people, and do not shirk earnestly and repeatedly warning them. Do not disobey. A special proclamation."

The Taotai issued, on Thursday, another very sensible proclamation, blaming the rioters and calling on his people to respect the law. Friendly reference is made to foreigners, and to the aid given by foreign troops in suppressing the Taeping rebellion—the first official recognition we remember to have seen, of the fact. We append a rough translation :—

"A very important proclamation by the Taotai, for the information of all.—On the 18th day of the 3rd moon (3rd May), some rowdies created a disturbance on the French Settlements.

"Prior to this, I had already consulted with the French Consul about the roads (in dispute), and proclamations were about to be issued. But it appears that, the 18th day (3rd), being Sunday, public business was stopped, and consequently the Consul-General had not been able to issue the notice. On the next day, when I had a personal interview with him, he informed me that the notice had been issued, which is a proof of his benevolence, kindness, and anxiety to preserve good understanding, and prevent disturbance. During the crisis of the disturbance, the Consuls of the different nations led their ranks to suppress it, but restrained their soldiers from using their weapons, which is proof of their goodwill and of their regard for (Chinese) life, and their desire not to inflame the excitement.

"Moreover, since foreign countries have made treaties with China, and had intercourse, to the present time, all questions have been settled with cordiality and frankness. Chinese and foreign merchants and people have also been very friendly. Formerly, too, when the rebels were creating trouble, the Western soldiers assisted in exterminating them, and with one voice aided in producing quietude. The rebels could not withstand their ardour, and the Chinese families who owe their safety and preservation to them, are very numerous.

"All you people have within you a knowledge of right, and should be grateful for favours received. And although in your intercourse your ideas may sometimes be at variance, you are bound to abide by the decision of the officials. All questions will, without doubt, be settled with justice, and you must not make excuses for creating disturbances. Already have I on several occasions informed you by proclamation to this effect, as the records show.

"Yesterday, the 19th day (4th May), I met the different Consuls, and we agreed that foreign merchants must, according to treaty, be protected by Chinese officials. Henceforth the Chinese people shall not be allowed to carry weapons and therewith dare to enter the settlements. If any of the people do not submit to the control of the local officials, and trouble and injure foreigners, it behoves them to check each other. Good people should attend to their business and enjoy the blessings of peace. If the good-for-nothing dare again to collect in crowds and break the peace, they will certainly be at once seized and severely punished. There will be no leniency. If you trespass against the law and incur the penalty, you cannot now say you have not been apprised. Tremble! Tremble! Temble!"

We are indebted to the *Courier* for the following précis of proceedings at the French Mixed Court on Sunday, with regard to the men captured during the riot. The men caught with fire-brands, having set fire to the houses, were sent to the Taotai for severe punishment, as also were four others charged with riotous conduct and assaulting the police. Twelve men arrested by the Chehsien's soldiers were dealt with in various ways, some being remanded, some sent to the Chehsien, and others released on security. A number charged with theft which had been committed during the fire, were settled in various ways, the majority of the culprits being sent to the city magistrate for punishment; while some of the small offences were disposed of on the spot, the defendants receiving in Court a certain number of blows with the bamboo, and then being required to make a speedy exit. Some of the charges for using abusive language to the police in the compound of the Municipal Hall, were also bambooed, with the distinction that they received their quantum in the compound. Others, again, were sentenced to 100 blows, and then to be sent to the Chehsien for punishment. During the proceedings, the Chinese Commander of the foreign-drilled troops of the Kiao-chang-meau Arsenal was present, and took great interest in them. In the course of the examination, some of the prisoners claimed to belong to Soochow, although their dialect gave a denial to their statement. The Commander strongly repudiated the claim made by these to the district named, and the result was that the falsehood little benefitted the claimants, as the Magistrate forwarded all who claimed another district to their own, to the Chehsien for punishment. The whole number convicted, which was over thirty, were to be sent into the city in the evening.

The following letter has been addressed by the President of the French Municipal Council to Mr. Fearon, acknowledging the prompt aid rendered by the Volunteers on the night of the riot:—

Shanghai, le 4 Mai, 1874.

MONSIEUR,—Je suis heureux de vous exprimer, tant en mon nom personnel qu'au nom de l'Administration Municipale, sa vive reconnaissance pour le concours que vous avez prêté pour la défense des propriétés et des personnes des Etrangers ayant des intérêts sur la Concession Française.

Je vous serais reconnaissant si vous vouliez bien transmettre aux Officiers du S. V. C. l'expression de toute la gratitude du Conseil.

Veuillez agréer, Monsieur le Commandant, l'assurance de ma haute consideration.

Le President du Conseil,
A. VOISIN.

Monsieur R. I. FEARON,
Commandant du S. V. C.,
Shanghai.

(TRANSLATION.)

SIR,—I have pleasure in expressing to you, both in my own name and in that of the Municipal Council, its warm recognition of the aid you lent for the defence of the property and persons of the foreigners having interests in the French Concession.

I shall be obliged if you will kindly transmit to the Officers of the S. V. C. this expression of the sincere gratitude of the Council.

A. VOISIN,
President of the Council.

Mr. R. I. FEARON,
Commandant of the S. V. C.

To the Chief Engineer of the Fire Department also, M. Voisin addressed a similar letter of thanks, acknowledging the aid rendered by the Brigade in checking the conflagration.

Shanghai, le 6 Mai, 1874.

MONSIEUR,—Je suis heureux de vous exprimer tant en mon nom personnel, qu'au nom de l'Administration Municipale, sa vive reconnaissance pour le concours que les Brigades de Pompiers ont prété pendant l'incendie que les émeutiers ont allumé le 3 courant sur la Concession Française.

Je vous serais reconnaissant, si vous vouliez bien transmettre aux officers et aux membres du S. F. D. l'expression de toute la gratitude du Conseil.

Veuillez agréer, Monsieur, l'assurance de ma consideration la plus distinguée.

Le Président du Conseil,
A. VOISIN.

Monsieur R. MACKENZIE,
Ingénieur en Chef du S. F. D.

(TRANSLATION.)

SIR,—I have the pleasure of expressing to you both in my own name and in that of the Municipal Administration, its warm recognition of the assistance which the Fire Brigade lent during the fire kindled by the rioters on the 3rd inst., in the French Concession.

I shall be obliged if you will kindly convey to the officers and members of the S. F. D. the expression of the entire gratitude of the Council.

A. VOISIN,
Chairman of the Council.

Mr. R. MACKENZIE,
Chief Engineer, S. F. D.

Our readers will probably be interested in the following letter, written by the Ningpo Guild to the French Council in January last, explaining their objection to the proposed roads and suggesting an alternative line.

Shanghai, 27th January, 1874.

To the
MEMBERS OF THE MUNICIPAL COUNCIL, FRENCH CONCESSION.

GENTLEMEN,—The undersigned managers of Ningpo Joss-House Grounds beg leave to bring under your notice the following statement, relative to their property situated at the back part of the French Concession.

Sometime ago the former Municipal Council proceeded to lay out roads and streets on that part of the Concession where the Ningpo Guild property lies, and in doing so have marked out the road on that part of our ground which is very densely packed with coffins containing the remains of deceased Ningpo people. (Red on plan.) To make the road and have a traffic in carriages and vehicles over the remains of the dead is very abhorrent to our ideas, as we do not believe that their spirits would rest in peace; and to disturb their remains by digging them up and carrying them away elsewhere, is equally repulsive. The whole of our ground situated at the rear of the Concession, around the Joss-House, is very closely filled with the graves of our people of former generations; on the east side of the Joss-House as much as in that part to the west, although it may not appear so, from the ground having been levelled. Previous to the occupation of the Joss-House by the English troops as a Barrack, the whole of our ground was surrounded and protected by a brick wall, which was partially destroyed by the troops, and the bricks of the remaining portion stolen and carried away. Since then it has laid undisturbed, and as an open field. We have no record, nor are we aware that at any time any part of the Ningpo Guild ground has been surrendered to the public, or to any one on the public behalf, by any written agreement; nor have the Guild ever been consulted, so far as we are aware, as to their readiness to part with their lands.

The only time that we know of where we have been asked relative to the matter of roads was about three months ago, or so, when some one from the Municipal office called on the man in charge of the Joss-House, and asked for a strip of land 13 feet wide, to form one side of the street proposed that runs paralled to the Rue du Consulat. This request was acceded to, and had thirteen feet been taken, or even

the whole 26 feet—if it had only been off the outside boundary of our land, we would have had nothing to say on that point to-day, as the outside boundary of the ground was formerly a creek, and in that line of ground marked C. on the accompanying plan we have no dead buried.

We are very desirous to come to some arrangement if possible with the Municipal Council, whereby the proposed new street may be diverted from its present line, and so leave the graves intact. First, we propose that the street may be made to diverge at the point marked D. on the chart, and from there run along the outside of our ground which is over the filled up creek, till it reaches the Sikaway Road. If this proposal is not acceptable, and you may have objections to the line of street in consequence of the bend at the point D., and that it does not run in a straight line into the road leading to the creek, then we propose to acquire, from the Tong-shing-dong and other proprietors, a strip of ground 26 feet wide, which will run in a straight line with the outside of our ground, marked S. on plan. This we will hand over to the Council in place of that now marked out by them, and this, as we propose, will make a straight street for its whole length. And if it is desirable on public behalf to have the streets straight, then what we propose would be better than that now traced out on the ground, as what we would give would make a better junction with the road on the creek side, towards the Military and Naval Old Cemetery.

To carry out this plan, if you accept of it we do not anticipate any trouble, as the Tong-shing-dong has no graves in that part of their ground. We are ready and willing to bear all expenses in the purchase of houses and grounds to get a straight street. And we will also recoup the Municipal Council any moneys that may have been expended in laying out the streets to the present time.

With reference to the street paralled to the Sikaway Road marked G. on the plan, it cannot be of utility to the public in any way, as it only gives access to the creek side in towards the Concession, but the other street gives the same benefit much more conveniently, while it is of no use leading out towards the West Gate as the right of way stops at the limit of the Concession. We think this might be allowed to remain unopened, and that it remain so while the ground is used as a burrial ground.

The ground all around it belongs either to the Ningpo Guild or the Tong-shing-dong, and neither of the societies have any will or desire to use their grounds for any other purpose than they are now used for. The Ningpo people will not allow, if they can help it, their ground to be built upon, while they have had it confirmed to them as cemetery grounds by various acts of the French authorities.

While laying these statements and proposals before you, we beg to remark that it is not from any desire to cause trouble that we so act in this manner, but simply that the graves in our former cemetery may not be desecrated, and that the bones of our ancestors may remain undisturbed. This feeling on our part you may understand, as we believe it is not uncommon to foreigners in regard to the graves of their dead.

Trusting you will give the foregoing your kind and favourable consideration, so that an amicable agreement may be come to.

Waiting the favour of your reply,

We remain, Gentlemen,
Your obedient Servants, &c.

MEETING OF TREATY CONSULS.

Minutes of a Special Meeting of Consuls at Shanghai, held in consequence of the Riot on the French Concession, on Sunday, the 3rd May, 1874.

The Consuls are of opinion that order should be maintained in the Foreign Settlements, and they are prepared to use all the force available on the part of foreigners, in concert with the force at the command of the Taotai, for the purpose.

They are further of opinion that immediate measures should be taken by the French authorities and the Taotai for the arrest and punishment of offenders in the disturbance of yesterday.

They are further of opinion that it is unnecessary for the Consular Body to enter into the merits of the present difficulty, but they are prepared to give the benefit of their advice in the matter, upon the request of either the French Consul-General or the Taotai.

They are further of opinion that no persons should be permitted to appear publicly in the streets with arms, unless under authority.

His Excellency the Taotai having been invited to join the meeting, and the above having been communicated to him, he agreed, after consultation, to issue forthwith a proclamation embodying the following points:—

1.—That the present difficulty was in course of adjustment by the proper authorities when the mob began the riot.

2—That such demonstrations by mobs cannot and will not be permitted. When disputes arise, they should always be settled by the authorities, and that any attempt by the populace to take the law into their own hands will be promptly repressed by all available foreign and Chinese force.

3—That all quiet well-disposed persons are called upon to discourage rioting of every kind, and to maintain order.

4—That the Chinese authorities are taking measures to arrest and punish the ringleaders in the late disturbance.

W. H. MEDHURST, *H. B. M. Consul.*
E. LUEDER, *Kais. Consul.*
F. B. FORBES, *S. & N. Consul-General.*
L. VIGNALE, *Consul-General for Italy.*
RUDOLF SCHLICK, *Austro-Hungarian Consul.*
J. E. REDING, *Acting H. I. R. M.'s Vice-Consul.*
ALFRED DENT, *Acting Vice-Consul for Portugal.*
E. H. SLAGHEK, *Consul for Netherlands.*
W. KESWICK, *Acting Danish Consul.*
J. J. EMPERANZA, *Consul for Spain.*
ED. MOREL, *Consul de Belgique.*
GEORGE F. SEWARD, *United States Consul-General.*

SEANCE DU 4 MAI, 1874.

Le 4 Mai, 1874, le Conseil Municipal de la Concession Française s'est réuni sous la Présidence de M. Voisin. Conseillers présents:—M.M. Ewald, Hennequin, Hitch, Lang Maignan, Millot; Secrétaire M. Sayn.

Le Conseil a été assemblé sur la demande de M. le Consul-Général, adressé au Président, à l'effet de s'occuper des faits qui ont provoqué dans la populace Chinoise une agitation qu'il importe de calmer le plus tôt possible, et de s'entretenir de nouveau de la question qui cause cette effervescence.

Le Conseil est d'avis qu'il soit adressé à M. le Consul-Général une lettre ainsi conçue:

"Monsieur le Consul-Général,—Sur votre demande je viens de réunir le Conseil Municipal, qui décide qu'en présence des excès qui se sont produits hier, il ne peut traiter à nouveau la question des rues de Ningpo et Saigon avant que l'émeute aît disparu et que justice soit faite. Le Conseil s'empressera, alors, de remettre le question à l'étude, et de vous faire connaître sa décision finale.

"Cette résolution a été prise à l'unanimité."

"(Signé) LE PRESIDENT."

Le Conseil exprime, en même temps, l'opinion que les événements regrettables qui se sont produits hier auraient pu être facilement arrêtés au début par une attitude plus énergique de la part de M. le Consul-Général.

Despatch No. 57.
Inclosure 4.

Informal.

Mr. Holcombe to Mr. Fisher.

Peking, October 19th, 1878.

Dear Mr. Fisher,

I have received your letter of the 12th instant, and in response beg to say that I will, with pleasure, do what I can to secure reasonable compensation for the personal injuries sustained by you in the riot at Shanghai in May, 1874. I am much obliged for the printed statement which accompanied your letter now under reply, and would esteem it a favor if you could send me a copy of it.

In your letter of October 9th to Mr. Bailey you speak of having secured, at the time of the riot, certain medical certificates from Drs. Hopkins and Dickson, and you state that these papers were, as you suppose, sent to this Legation. No such documents are on file here. If not in the Shanghai Office, they must have been lost. They would form an important item in the

the evidence supporting your claim for compensation and, in case the certificates mentioned cannot be found, it would be well for you to secure and forward to me, other certificates from the same physicians if possible.

I see no reason to anticipate any considerable delay in effecting a settlement with the Chinese Authorities, of the claims of yourself and the other parties concerned. At the same time, I think I should say to you frankly that your injuries were of such a nature that it will be peculiarly difficult to bring the officials - Chinese - to any proper appreciation of their character, and, hence, to consent to the payment of so considerable a sum as that mentioned by you. In this connection, I notice that you state, in your favor now under reply, that you will "be pleased to approve any arrangements I may make towards a settlement." Please inform me, at an early moment, whether I am to understand from this, an expression of your willingness

to

to accept of such a sum by way of compromise, as I may think best to offer to, and be able to receive from the Chinese Authorities, in your behalf.

Yours sincerely

(Signed) Chester Holcombe.

Mr Adee

No. 58.

Legation of the United States.

Peking, October 23rd, 1878.

DEPARTMENT OF STATE
DEC
6
1878
RECEIVED

Chester Holcombe to

the Secretary of State.

Subject.

Receipt of instructions.

Synopsis.

Department instructions, numbers 240. to 246. inclusive, have been received this day.

No. 58.

Legation of the United States.

Peking, October 23rd, 1878.

Honorable William M. Evarts.

Secretary of State.

Sir:—

I have the honor to acknowledge the receipt, this day, of your several instructions, numbered respectively, 240. 241. 242. 243. 244. 245. and 246.

I have the honor to be,

Sir,

Your obedient servant.

Chester Holcombe

Colemans

Instruction to Mr Holcombe, as per report of Judge O'Connor 2 Dispatches Mr Pelt.

No. 59. Four Enclosures.

Legation of the United States.

Peking, October 26th, 1878.

Chester Holcombe to

the Secretary of State.

Subject.

Customs case at Shanghai.

Synopsis.

An American firm claimed the right to ship from Shanghai to Kaukow two boilers free of duty. Recites the details of the case. Prince Kung decided adversely to the firm, to which decision Mr. Holcombe agrees.

No. 59. Four Enclosures.

Legation of the United States.

Peking, October 26th, 1878.

Honorable William M. Evarts,

Secretary of State.

Sir:-

I have the honor to enclose to you herewith, a copy of a despatch received from the Shanghai office in July last, submitting to me the application of Messrs. S. C. Farnham & Co., an American firm, for my intervention in their behalf, in a certain Customs case in which they were concerned. 1/59.

It appears that this firm undertook, in October 1877, to construct

construct two steam boilers for a Russian tea firm in Hankow, the boilers to be delivered in the latter port by their makers. Upon the completion of the articles, application was made to the Customs at Shanghai for a permit to ship them, free of duty or transit charges, to their destination. This request was refused, on the ground that machinery was liable to a duty of 5 p/c ad valorem, whether exported or imported, and that a transit duty of 2½ p/c must also be paid. To this the firm objected, asserting that by the terms of their contract, the boilers were to be of foreign iron, and that they had, accordingly,

themselves

themselves imported the material, and already paid 5% duty upon it. This objection being allowed no weight by the Customs, Messrs. Farnham & Co. paid the required duties under protest, and appealed the case to me.

Although doubting somewhat the validity of the claim of the manufacturers to export the wares duty free under a strict interpretation of the treaty, I decided to address the Foreign Office in the case. I enclose a copy of my despatch. 2/59.

After a long delay, I received only a few days since a response sustaining the Customs authorities in their position. 3/59

From

From this reply you will see that Prince King maintains that at least a portion of the material used in the construction of the boilers was not imported by our people, but purchased in Shanghai. And, what is more to the point, he insists that the treaty allows the exportation, free of duty, of duty paid imports, only when the merchandise concerned is in its original packages, and has not been changed in any way while in the port. He, therefore, maintains that the 21st article of our treaty which provides, under certain conditions, for the reexportation, duty free, of duty paid imports, cannot be held

held to apply to articles
manufactured in this country
from foreign material upon
which duty has been paid.

As it seems to me that the
position taken by the Prince in
the premises is entirely tenable,
I have requested Mr. Bailey to 4/59.
inform Messrs. Farnham & Co.
that I do not see my way clear
to press the matter further.

I have the honor to be,

Sir,

Your obedient servant.

Chester Holcombe

4

Enclosures.

1. Mr. Stahel to Mr. Holcombe.
No. 629. June 24th, 1878.

2. Ins. Holcombe to Prince Kung
42/1878 July 31st, 1878.

3. Prince Kung in reply.
65/1878. October 13th, 1878.

4. Ins. Holcombe to Ins. Bailey.
No. 140. October 26th, 1878.

Despatch No. 59.
Enclosure 1.

No. 629.

Mr Stabel to Mr Holcombe.

Shanghai, June 24th, 1878.

Sir,

I have the honor to enclose herewith a copy of a communication from Messrs. E. C. Farnham & Co., of this Port, in which they complain that they have been compelled to pay 4% Export and half Import duty in all (7½%) on a boiler made under contract by them in October last for a firm in Hankow. I have applied to the Commissioner of Customs, but he informs me that he is powerless, and that the matter must be sent to Peking.

In placing the subject before you, I beg to remark, that I fail to find anything in the Customs Regulations which would justify the levying of such a tax -- nor do I find that this office has been informed of any such new regulations which the Commissioner of Customs informs me was received from Peking dated 1st January last. You will observe

that

that the contract was made in October last at which time no such rule existed, and it seems an injustice to Messrs. S. C. Farnham & Co., to inforce the payment of a duty which they were not aware prevailed - nor do I believe that the instructions received by the Commissioner of Customs from Peking dated January 1st, 1878, can have reference to machinery manufactured here from materials imported and on which duty has been paid.

I have &c.

(Signed) J. Stabel

Vice Consul General.

Copy.

S. C. Farnham Co., to Mr. Stahel.

Shanghai, June 13th, 1878.

Dear Sir,

We take the liberty to lay before you the following case and should be very much obliged to you if you would bring the contents of this letter to the notice of the proper authorities at Peking and obtain redress for us, if possible.

In October last we made a contract with Messrs. A. Poromaroff & Co., of Nankow, to build for their steam pressing establishment two boilers for a certain sum of money. The boilers were to be made of the best imported material and when we applied to the Customs here early in May for permit to ship the boilers, we were told & we had to pay full Export duty (5%) here and half import duty (2½%) in Nankow. As the boilers have been made here entirely from material imported by ourselves, and on which we have paid full import duty we consider this demand of a second duty as

Cessive

-cessive and applied personally to the Commissioner of Customs; who told us, that he had received instructions from Peking dated 1st January, 1898, that all machinery &c, had to pay duty. We hardly belive that this should extend to machinery made here from materials imported and on which an import duty had already been paid, but even if it did, this rule was not published in October last when we made the Contract above referred to and the extra charge which we have been put to (7½%) on the value makes a very large difference in our calculations. And we could not obtain permission from the Customs to ship without paying the imposed duty we had of course to pay it. Our only remedy is now to apply to your good selfs for assistance in the matter

We remain &c

(Signed) L. C. Farnham & Co.

Despatch No. 59.
Enclosure 2.

112/1878.

Mr. Holcombe to Prince Kung.

Peking, July 31st, 1878.

Sir,

I beg leave to call Y.I.H.'s attention to the following case which has been reported to me by the Consul General at Shanghai.

In October of last year Messrs. L. C. Farnham & Co. an American firm at Shanghai undertook to build for a Russian firm at Nankow two boilers, for a certain sum of money. These boilers were to be constructed of the best foreign iron, which Messrs. Farnham & Co. imported for the purpose and on which they paid the legal duties.

The boilers having been completed Messrs. Farnham & Co. applied to the Customs for a permit to ship them to their destination, and were informed that this could be granted only upon the payment of full import duties at Shanghai and half import duty at Nankow, amounting in all to 7½ per cent of their value. To this the firm objected, claiming that they had

had already paid full import duty upon the material of which the boilers were made. Failing to secure release from the Customs requirement, they paid the duty under protest, and have applied to me for relief.

I beg leave to submit this case to Y.S.N.'s attention, with the hope that you will see your way clear to such action as will relieve Messrs. Farnham Bro., from the payment of the double duty imposed by the Customs Authorities.

I have &c.

(Signed) Chester Holcombe.

Despatch No. 59.
Enclosure 3.

Ma. 6th/1878.

Prince Kung, Chief Secretary of State for Foreign Affairs, herewith makes a communication in reply.

Upon the 9th inst. I had the honor to receive a note from you which called my attention to your despatch of July 31st; telling forth that Messrs. Farnham & Co., an American firm at Shanghai manufactured, under a contract with a Russian firm at Nankow two boilers for which they applied to the Customs for a permit to ship them to Nankow etc. etc. — In your note you state that nearly two months have passed without your having received an answer to your despatch.

In reply I have the honor to inform you that upon receipt of your first communication, I called upon the Superintendent of Trade for the Southern Ports, and the Acting Inspector General of Customs for reports upon the case in point. I am in receipt of the reply of the last named, in which he

says

says that he is informed by the Customs at Shanghai that in April last, Messrs. A. C. Farnham & Co., applied for a permit to ship free of duty two boilers for pressing brick tea, with the necessary fixtures costing Tls. 2,000.— to a Russian firm at Hankow. The Customs held that, according to Regulations the boilers ought not to be shipped free of duty, and the firm making no protest against this decision, the usual duties were paid. The Customs, as the rules require levied the full export duty, upon the shipment of the boilers, and upon their arrival at Hankow, the half duty was collected there. The firm concerned made no declaration that the plates of which the boilers were made were imported by them. And it is known, that the 2000 fire bricks for the boilers were bought by the firm in Shanghai. Further, this firm in importing materials into Shanghai, had made no declaration as to the purpose for which the materials were intended, nor that, having been manufactured, they would be

exported

exported. Again, the firm in question in August, 1877, having manufactured certain machinery for a firm at Chefoo, applied for a shipping permit, and paid Export duties upon the articles shipped. Still further, in the shipment to other ports of articles manufactured here, the Customs has always hitherto collected Export duties & shipmens. Thus the Customs at Shanghai

Upon this the Acting Inspector General remarks that the value of the articles manufactured from material which has been imported is of course largely in excess of the value of the material as imported. In the particular case in point, the boilers, although for the use of a Russian firm at Nankow, they are for their use as merchants, and in their business. The 21st Article of the treaty with the United States declares that:- "if the owners of imported goods "upon which the duties have been paid, "desire to re-export them to another port "for purpose of sale, an examination shall

"be

"be made by the Customs, and if the goods are
"in their original packages, not having been
"opened, and their marks unchanged, the
"quantity and character of the merchandise,
"together with the amount of duties paid,
"shall be entered upon a permit and
"given to the owner, and the facts shall
"also be certificated to the Customs at the
"port to which the goods are to be shipped.
"If upon arrival at the latter port, everything
"is found upon examination to correspond
"the goods shall be landed without the
"payment of additional duty thereupon."

Upon comparing the details of the case under review with the spirit and letter of the treaty no grounds appear upon which Messrs Farnham Bro., can claim the exemption of the two boilers manufactured by them, from the payment of the legal duties.

Upon this case, and the reports detailed above, I have the honor to remark that Messrs Farnham Bro., in the first instance made no protest against payment of the

duties,

duties, but afterwards claimed exemption. This action was irregular. It further appears that this firm, in August 1877, paid the dues upon some machinery manufactured by them and shipped to a firm at Chefoo, under circumstances entirely similar to the present. The procedure in the two cases should be the same. If the firm claims exemption from the payment of duty on the ground that the plates of which the boilers were made were imported by them, and a 5% duty was paid, then a reference to the 21st Article of the treaty shows that duty paid foreign imports, can be re-exported free of duty, only when in the original packages and with marks unchanged, which is not the fact in the case under discussion. Still further, the 2000 fire bricks used for the boilers were not imported by the firm, but bought in Shanghai.

The conclusion therefore, of the Acting Inspector General of Customs, that

that there is no sufficient ground on which to claim Exemption from duty for these boilers, appears to me to be just.

As I have not yet received the response of the Southern Superintendent of Trade, I am able to make a somewhat incomplete response, but I beg leave to forward my decision based upon the statements of the Acting Inspector General of Customs.

I trust you will see your way clear to instruct the firm concerned that the case has been dealt with according to Treaty.

Thomas Wolcombe, Esquire.

&c &c &c &c

Peking, October, 13th, 1878.

Despatch No. 59.
Enclosure 4.

No. 1140.

Mr. Holcombe to Mr. Bailey.

Peking, October 26th, 1878.

Sir,

Recurring to Mr. Stabel's despatch, number 129, covering a request from Messrs. S. C. Farnham & Co., for interference in the matter of duties levied by the Shanghai Customs upon two Boilers manufactured by them for a Rupian Firm at Hankow. I have the honor to inform you that in July last, I addressed the Foreign Office in the premises. I am only now in receipt of a response. Prince Kung declines to instruct the Customs at Shanghai to refund any portion of the duties levied, and, after a careful consideration of the subject, I do not see my way clearly to press the matter further.

Will you be so good as to communicate my decision to the parties interested.

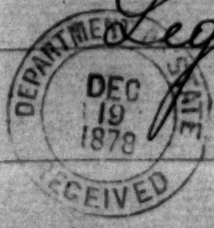
I am &c.

(Signed) Chester Holcombe.

Ack This is disposed of by instructions of Dec 19th to Sec of C. P. in reply to 57 & 60 Mr Adee

No. 60. One Enclosure.

Legation of the United States.



Peking, October 28th, 1878.

Chester Holcombe to

the Secretary of State.

Subject.

Claim of Mr. A. A. Fisher.

Synopsis.

Forwards sworn medical certificate of the dentist who attended Mr. Fisher.

No. 60. One Enclosure.

Legation of the United States.

Peking, October 28th, 1878.

Honorable William M. Evarts.

Secretary of State.

Sir:—

Referring to my despatch, number 57, covering certain proofs in the claim of Mr. A. A. Fisher for compensation for personal injuries sustained in the riot at Shanghai in May, 1874, I now have the honor to enclose herewith a copy of a sworn certificate furnished by Mr. Hopkins, the dental surgeon who attended upon Mr. Fisher, immediately after he had

received

1/60.

received the injuries mentioned.

I have the honor to be,

Sir,

Your obedient servant.

Chester Holcombe

4

Enclosure.

1. Copy of a certificate given by Lt. L. Hopkins, Dental Surgeon, to Mr. A. A. Fisher.

Despatch No. 60.
Enclosure.

This is to certify that Mr. A. A. Fisher called at my office in Shanghai on Sunday evening May 3rd 1874 to be treated for injuries to his face and mouth which he asserted he had received when passing through the French Concession.

His mouth and face were badly cut and bruised, and in a bleeding condition. Two front teeth and a portion of the jaw to which they were attached were broken off.

He was under my treatment for about six months afterwards, during that time several pieces of loose bone were removed to enable the gum and jaw bone to heal properly.

The loose teeth were subsequently replaced by artificial ones.

(Signed) D. L. Hopkins
Dental Surgeon.

Signed before me at the British Consulate Newchwang (Signed) Thomas Watkins
October 17th/78 Consul.

British Consulate
Coat of Arms
Newchwang

ack 27th Dec
Mr Polk

No. 61. Four Enclosures.

Legation of the United States.

Peking, October 28th, 1878.

DEPARTMENT OF STATE
DEC 19 1878
RECEIVED

FOREIGN AFFAIRS
67 SUBJECTS 73

Chester Holcombe to
the Secretary of State.

Subject.

Destruction of mission premises
at Foochow.

Synopsis.

Forwards reports in detail as
furnished by Rev. Mr Lane, recites
the antecedent circumstances.
Rev. Holcombe asked Rear Admiral
Patterson to despatch a United
States vessel of war to the scene.

No. 61. Four Enclosures.

Legation of the United States.

Peking, October 28th, 1878.

Honorable William M. Evarts.

Secretary of State.

Sir:—

I have the honor to hand to you herewith, copies of four #1/61. despatches which I have received from our Consulat Foochow, narrating the destruction by a Chinese mob of certain premises owned and occupied by the English Church Missionary Society at this port, and subsequent events in connection with the riot.

The property in question was located upon a hill within the

the walls of the city of Foochow, and has been in the quiet possession of the missionaries of the Society named, for more than 20 years. Quite near to it are buildings and grounds held by the British Government for Consular purposes, but which have not been occupied for some considerable time, as the Consul of Her Majesty prefers to reside in the foreign settlement which lies across the river. And in the immediate vicinity of the scene of the riot is an establishment of the missionaries of the "American Board".

So far as I can learn, no question as to the residence of the

the foreigners, upon the premises which have been destroyed, had ever been raised until about 18 months ago, when the populace began to make complaints that foreign buildings, placed upon this elevation and overlooking the native residences, interfered with the "feng shui", and brought ill fortune upon the lives and the business of the Chinese. These complaints increased until in the summer of 1877, when the local authorities, through the British Consul, proposed to the missionaries to remove from the premises in question, offering to give them in exchange a more valuable property situated in the

the foreign settlement across the river, and owned by the Chinese Government. Mr. Wolfe, the head of the Mission, did not look with favor upon the proposition, " objecting that it would remove him to a distance of nearly six miles from the scene of his " daily labor, and interfere " seriously with the success of his efforts among the Chinese. Upon being urged, he consented, however, to refer the question to his superiors in London.

It was at about this juncture, that my visit to Foochow, which you will doubtless remember, took place. During my interviews with the Viceroy and Governor,

they

they on several occasions adverted to the effort being made to secure the removal of the English missionaries from the city, and said frankly that they feared disturbances among the people if the point were not granted. From their remarks I gathered that the object ultimately in view was the removal of, not only the English, but of all missionaries from the city to the foreign settlement, and that they "moved "upon the position" of the English first, simply because their location offered readier excuses for the effort. It should be remarked that there are no foreigners excepting those of this

class

class, resident within the city of Foochow.

The reply received from London was unfavorable to the views of the Chinese.

Thereupon statements began to be made that the title of the foreigners to a part, at least, of the premises in question was invalid. These assertions gained currency to such an extent that they were brought, officially, to the notice of the British Consul by the local authorities, and, at length a day was fixed when the officers of the two Governments, accompanied by Mr. Wolfe, should visit the property and there examine into their truth.

And

And it was upon this day — August 30th —, and in the very presence of the officials named, that a mob gathered and the destruction of the buildings was accomplished. This conjunction of events was, to say the least, peculiar, and it is somewhat remarkable that no effort seems to have been made by the Chinese authorities to restrain their people.

Hon. Mr. Lane lost no time in informing me of the occurrences, and as I considered the interests of our people to be threatened to some extent, I at once addressed Rear Admiral Patterson, requesting him to despatch

Despatch No. 61.
Enclosure 1.

Mr. De Lano to Mr. Holcombe.

No. 109. Foochow, August 31st, 1878.

Sir,

On yesterday afternoon an immense mob of Chinese, led by the Literati, assembled upon the premises of the English Church Mission at Nu Shih Shan, within the city walls of Foochow, to give expression to their indignation on account of the erection by the Mission of a fine school building, then in course of construction and nearly completed.

At present I am only so far advised about the matter as to be able to say that, for a long time past the Literati and Gentry have sought to effect the ejection of the missions from the city, and have stubbornly resisted the erection of this school building from the first, and the officials have so far yielded to their demands as to have, sometime since intered upon negociations with the Mission's agent,

the

the Reverend Mr. Wolfe, looking towards an exchange of this property for other property outside the city. Mr. Wolfe, under instructions from the society, declined to make the exchange, and persisted in going on with the construction of the building (which was being erected within the compound where other Mission buildings have been standing for some years.)

A meeting of the Chinese Officials, H.M's Consul and Mr. Wolfe, upon the premises was arranged for yesterday, upon which occasion a mob of some thousands of people assembled, and by them the objectionable building was fired and destroyed, the Officials, I hear, making but a very feeble attempt to prevent it.

It is currently rumoured that the Consul, Mr. Wolfe, and other members of the Mission were assaulted, but I cannot undertake to state this as a fact.

The "American Board Mission"

owns

owns property only a short distance from "Wu shih-shan", and it is likely that if the Chinese succeed in ejecting the Church Mission they will not be content till they have also ejected the Americans. I shall keep you advised of any further developments in the case.

I have &c.—

(Signed) M. M. De Lano.

U. S. Consul.

No. 110.

Mr. De Lano to Mr. Holcombe.

Foochow, Sept. 5th, 1878.

Sir,

Recurring to my despatch No. 109 on the subject of the riot in the city on the 30th ult. I have to report that much excitement prevails still, and there is reason to fear that, on account of the complete immunity of the rioters from punishment, more serious trouble may yet follow. The ringleaders have been pointed out to the High Officials and, as I understand, their arrest and punishment has been urged, but to no purpose. The rioters were allowed to assemble on the premises of the mission on Saturday and Sunday after the burning of the school building, and no effort was made by the officials to disperse them. On Sunday they commenced to tear down the walls of the building which were left standing, when H. B. M's Consul, accompanied by the Commander of an English man-of-war appeared on the scene, and they were

were checked in a marked degree by the unsupported efforts of the commander. This I mention as proof of the ease with which this outrage might have been prevented had the Chinese officials made an effort in that direction. In point of fact, it is positively asserted that the new Futai, Yu, has sanctioned and encouraged this demonstration, which has been openly planned by the literati and gentry, and executed by the rabble — egged on by many of the first named, who were on the scenes with the officials when the building was destroyed.

On Sunday the Commander (Napier) accompanied Mr. Sinclair to the Government General and asked to have an armed guard of native soldiers sent to the scene to protect the premises from further destruction, and the Missionaries from further insult and assault, but A.E. first protested against it, saying that if armed men were sent there

there it would encourage the populace and more serious complications would arise. The request was then repeated in the form of a demand, and after a good deal of parleying N. E. promised to send the guard. They informed N. E. that they would return to the scene and await the guards' arrival, which they did, and after a good deal of delay the men appeared, but without arms. They were sent back for arms and again came with arms, but without ammunition. They at last returned with arms and ammunition and were disposed upon the premises by order of Captain Rapsis, since when the rioters have been restrained from further acts of violence, but they openly declare that the balance of the property shall be destroyed and avow their purpose to drive all missionaries from the city. Anonymous placards have also been posted about the city, calling upon the people to rise and complete the des-

truction

destruction of the Wu-Sieh-Shan property.

A good deal of uneasiness prevails amongst the foreign residents, and it is not easy to predict how the matter may end. If there should not be some positive and decisive action on the part of the British Government there is sure to be - to say the least - a protracted controversy over the subject of the restoration of the school building, and it is doubtful if the Chinese allow it to be rebuilt, though it stood upon ground which was acquired twenty or more years ago.

I have &c

(Signed) W. M. De Lano

U. S. Consul.

No. 111.

Mr. De Lano to Mr. Holcombe.

Foochow, 18th Sept., 1878.

Sir,

Since my last to you on the subject of the Nu-shih-shan riot there have been no further hostile demonstrations, beyond the posting of threatening and incendiary placards.

A second English gun boat arrived here last week - a day or two before the threatened attack on the 11th of the moon - and came up to the settlement. This, - coupled with the rumour that others were coming, it is believed, restrained the gentry and allayed the excitement of the populace, as well as to lead the officials to take some decisive steps to prevent further outrages.

I enclose herewith a copy of a Memorial which is to be sent to the Foreign Office, and a copy (printed) of two of the inflamatory placards alluded to. -

I have &c

(Signed) W. M. De Lano -

H. B. Consul.

Enclosures

Enclosures.

1 Copy of placards.

2. Copy of Memorial To Foreign Office

To the

Right Honorable and R. t. Hon.ble

The Marquis of Salisbury, K. G. &c &c. -

Her Majesty's Secretary of State for Foreign Affairs.

The humble Memorial of the undersigned British Subjects residing at the port of Foochow, in the Empire of China,

Sheweth :-

1. - That your memorialists view not only with indignation, but with much apprehension the incidents of an outrage by a Chinese mob on the evening of the 30th ultimo when property belonging to the Church Missionary Society at Nu-shih-shan, within the walls of the city of Foochow, was wantonly and premeditatedly destroyed.

2. - That being interested in the rights of property, provided by Article XI and XII. of the Tientsin Treaty, your memorialists naturally feel concerned in drawing your Lordship's attention to this riot, - more especially as the circumstances under

which

which it originated and was accomplished, seem calculated to weaken the position of foreign residents both present and future.

3. — That while aware that the facts of this case have been already communicated to your Lordship by Her Majesty's Consul at this port, your memorialists, without being in any way desirous of interfering with the functions or authority of Her Majesty's Consul, wish to add this independent testimony to the gravity of the event.

4. — That your memorialists have no doubt as to the validity of the deeds under which The Church Missionary Society held the property in question.

5. — That facts, which have since come to the knowledge of your memorialists, tend to prove that the outrage was an organized affair, — connived at by the Chinese Authorities.

6. — That your memorialists are in possession of positive information,

Charging

charging a certain man known by the name of Lin Ying Lin (林應霖) with having taken a principal part in organising this attack on the Mission premises.

4th That the said Lin ying lin is a member of the native gentry class, and a person enjoying considerable local influence, which he unlawfully used to excite the ordinarily peaceful inhabitants against the Missionaries; and that he is charged with having hired a mob, by whom the outrage under notice was perpetrated.

5. That the Chinese officials, - whose - obvious duty it was, under Article XVIII of the Tientsin Treaty, to have exerted themselves in preventing this riot, by adopting rigorous precautionary - measures - abstained from interfering with Ding Ying Lin and his associates and that the latter were permitted to openly threaten the Missionaries with expulsion, and finally to carry out their settled purpose of destroying the building in question.

Q. -

9.– That while the riot was in progress, the Chinese Officials who were on the spot absolutely declined to interfere with the lawless proceedings and this, notwithstanding the proximity of a military force which was, there is good reason to believe, quite competent to deal with the rioters.

10.– That your memorialists can bear personal testimony to the uniform good conduct and friendly disposition of the lower orders of the native population towards the foreign residents of the port. But as regards the local gentry and literati generally, it is only right to state, that many members of this class make no concealment of their objection to the presence of foreigners.

11.– That under these circumstances, there can be no reasonable justification of the action, or rather inaction of the Chinese Authorities; nor, in the opinion of your memorialists, can

&c

it be fairly urged that the Native Officials were not in a position to have prevented the late outrage had they desired to do so.

12. – Finally, your memorialists would respectfully urge the necessity of taking such prompt measures as may seem to your Lordship adequate to the case and they trust that, in obtaining ample redress for the injury inflicted on and losses sustained by The Church Missionary Society, your Lordship will see fit to convince the Chinese Authorities of this fact that the Treaty rights of Her Majesty's subjects can not be violated with impunity.

The Nu-Shih-shan riot.

Native Placards.

The following are translated copies of placards which have been extensively posted in the city and suburbs during the past week: —

1.

"The heroic and good men of the Empire (Tien-hsia) are to assemble at the grand "meeting to be held at Nu-Shih-shan on "the evening of the 14th of the 8th moon, for "the purpose of exterminating all the foreign "devils residing in the province (Fohkien). "They cannot be permitted to live (amongst "our people) and (we must) recover "our Feng-Shui land, which they have "encroached upon".

"If the mandarins interfere, they will be "murdered, — the official dogs! On "recovering our Feng Shui land, then "the State will be prosperous, the people "peaceable, the winds moderate, and "the rains favorable. Let all the people "exert themselves."

"You

"You official dogs! You official dogs!!
"Remember that the Viceroy of the two
"Kwang, — Yang Yu Chen (? Yeh ming
"Chen) fell into the clutches of the foreign
"thieves. It was in this way. He was
"invited by the foreign thieves to an en-
"tertainment (lit: to drink wine) on
"board of one of their vessels, and as
"soon as he got on board they sailed
"to the foreigner's country, where they
"disembowelled him, and exhibited his
"entrails at the seven gates of their city.
"They are not brave! They are not brave!!
" — These barbarian thieves! These barbar-
"ian thieves!! —
"Issued by the people of the two "Kwang
"(i.e. Kwangtung and Kwangsi.)"

II.

"The foreigners are decidedly wrong in en-
"croaching by force upon our Fêng-shui
"land. They insult the ignorant people of our
"country, and regard them with contempt
"and aversion. They look upon all our officials,
"both

"both civil and military, with scorn (for
"they see) that in the discharge of their official
"duties there is no one to lead or direct them.
"They make no distinction between the good
"and the bad; they wildly brandish (their
"sticks) like an acrobat. This is very vulgar.
"They deceive the people, and get them to —
"embrace their religion and join their churches.
"The vices prevailing amongst them are well
"known. Their churches are a banditti hold;
"they are known to be guilty of uncleanly
"acts; the more they increase in number
"the worse they act. They are dangerous!
"If these terrible men are not exterminated, then we (the people) are not equal
"to the birds of the air and the beasts of
"the field. We must not try to imitate
"the officials, — they are stupid. These
"stupid officials are afraid to take action;
"not like the people, who love to give vent
"to their feelings, and who fired the foreign
"house, which the officials could not
"prevent, — for, when they tried to do so
"the other day, the youngsters rescued
"themselves

"themselves with a will, and in a short
"time the building was destroyed."

"We are still unsatisfied with the
"work accomplished, and what is the use
"of deputing soldiers when the will of the
"people is to destroy (the remaining build-
"ings). Do not blame us! Do not say
"that we were wrong, — for the land is
"public property, and if there had been
"(a single person) unwilling to assist in
"the destruction of the building he would
"have offended the people. Not one of
"us could bear being charged with —
"having caused dissatisfaction amongst
"the people. We therefore explain to you
"in a straight forward manner (and
"request you to) carefully view the con-
"dition of affairs (?) Bear in mind that
"ten of the literati petitioned the officials
"about the land in question; and if
"they are involved in trouble, we the
"people are to come forward in a body
"and assist them, and see what action
"the officials will take. If they are to be

"punished

"punished, then we are to exert ourselves
"to the utmost, and we who will gain
"the day! This matter concerns the entire
"population of the city; — every man has an
"interest at stake and succeed (we must.)
"— if we break out in open rebellion. Let
"there be no encroachment on our Fêng
"Shui land; if there is, we will then —
"declare war, (lit: invite you to fight
"us).

"Issued by the people of the Entire
"City (of Foochow) for the information of
"the foreigner Nee."

No 113.

Mr. De Lano to Mr. Nolcombe.

Foochow, October 5th, 1878.

Sir,

Recurring to the Nu-Shih-shan Riot, I have to inform you that since the date of my last to you on the subject there have been no further acts of violence committed by the Chinese, tho' they have been prolific in threats against foreigners and foreign property in the city. From the 30th of August to Sept. 19th five men of war arrived here (four English and one American) and this evidently had the effect to move the authorities to the exercise of special energy and efforts to prevent further outrage or destruction of property.

About the date of the arrival of the U.S. Ship "Alert" in port, to wit the 18th Sept. placards were posted threatening the destruction of the remainder of the English Church Mission property on Nu Shih Shan, and the expulsion of all foreigners from the

the city. There was every reason to believe that these incendiary placards emanated from the literati hsing who led the incendiary riot on the 30th. August and who has been repeatedly pointed out to the Authorities; and it has been well known that this man has all along been with his ruffian followers - quartered in a temple adjoining the mission premises, yet no move has been made towards his arrest.

Yesterday, the 11th., being the Chun Yang festival, was fixed upon for another demonstration against foreigners. Many thousands people repaired to the hill to fly Kites and to worship, and it was feared that trouble would arise, but many officials were on the spot - or stationed near the mission premises - with a large body of soldiers, and the day passed without any hostile demonstration being made.

We have every reason to believe that the riotous propensities of hsing and his followers will now be held in check -

until

until a settlement of the burning of the College building has been effected.

The U.S. Ship "Alert" will likely leave here in the course of a week.

I have &c.

(Signed) M. M. De Lano

U.S. Consul.

Despatch No. 61,
Enclosure 2.

Mr. Holcombe to Rear Admiral Patterson.

Peking, September 10th, 1878.

Sir,

I am informed by W. W. DeLano, Esquire, United States Consul at Foochow, that a somewhat serious disturbance has occurred at his port, which has resulted in the destruction of a considerable amount of property owned by English missionaries, and that American owned property lying in the same neighborhood is more or less in jeopardy.

Under these circumstances, it appears to me that the presence of one of our vessels of war at that port, for a short period may be desirable.

While I am aware that ships cannot ascend the Min River to the city of Foochow, and hence cannot command the threatened neighborhood, yet the moral effect of the presence of a vessel may be of service in causing Chinese Officials

2a

Officials to put forth the necessary effort to restrain their people.

I have, therefore, the honor to request that if it is consistent with your views and arrangements, you will despatch a vessel to that port, at your earliest convenience.

I shall send this despatch under flying seal to our Vice Consul General, requesting him to communicate with the Senior Naval officer at Shanghai, or with you, by Telegram, direct.

I have &c.

(Signed) Chester Holcombe.

Chargé d'Affaires.

Despatch No. 61.
Enclosure 3.

No. 63.

Mr. Holcombe to Mr. De Lano.

Peking, September 10th, 78.

Sir,

I have had the honor to receive your Despatch, No. 109., of the 31st, ult°. reporting a disturbance at your port, and thank you for the promptness with which you communicated the fact to me.

I have furnished my colleague H.B.M.'s Chargé d'Affaires with the substance of your despatch to whom it was the first intimation that trouble had occurred.

In view of the present situation I have requested Rear Admiral Patterson to send a vessel of war to your port for a short time.

I am &c

(Signed) Chester Holcombe.

Despatch No. 61.
Enclosure 4.

Rear Admiral Patterson to Mr. Holcombe.

U. S. Flagship "Monocacy" 3rd Rate.
Yokohama, Japan.
October 2nd, 1878.

Sir,

I have the honor to acknowledge the receipt of your communication of Sept. 10th, in relation to the recent disturbance at Foochow. Previous to its reception, I had ordered the U. S. Steamer "Alert" Commander R. Boyd, U.S.N. Commandg, from Amoy to that place.

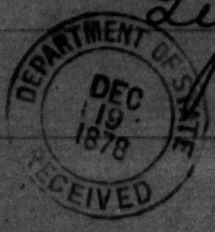
I shall be glad, at all times, to hear from you, in relation to American interests in China, and to coöperate with you in their promotion and protection.

I am Respectfully &c
(Signed) J. N. Patterson
Rear Admiral.

Mr Adee
Col Morgan

No. 162. One Enclosure.

Legation of the United States.



Peking, October 29th, 1878.

Chester Holcombe to
the Secretary of State.

Subject.

Cost of telegram.

Synopsis.

Forwards statement of cost of a certain telegram, and requests permission to draw upon the Secretary of State for the amount.

WH

No. 62. One Enclosure.

Legation of the United States.

Peking, October 29th, 1878.

Honorable William M. Evarts.

Secretary of State.

Sir:—

With reference to my telegram to you, dated September 4th, 1878, and answered by you upon the 10th of the same month, I have now the honor to hand to you, herewith, a statement of its cost, accompanied by the usual voucher.

I respectfully beg permission to draw upon you for the amount indicated.

I have the honor to be,

Sir,

Sir;

Your obedient servant.

Chester Holcombe

Enclosure.

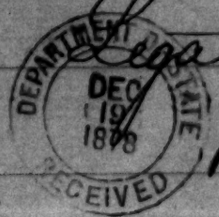
1. Statement of the cost of a telegram sent to the Department of State, September 4th, 1878.

Acts 6. P.

File

No. 63. One Enclosure.

Legation of the United States.



Peking, October 30th, 1878.

Chester Holcombe to

the Secretary of State.

Subject.

Request of Peruvian Minister for good offices.

Synopsis.

Having received the instruction of the Department, Mr. Holcombe has replied to Mr. Elmore in general terms, that he was directed to grant the good offices of this Legation.

No. 63. One Enclosure.

Legation of the United States.

Peking, October 30th, 1878.

Honorable William M. Evarts.

Secretary of State.

Sir:—

Recurring to my telegraphic request of September 4th, ultimo, for instructions in the matter of a request made to me by the Peruvian Minister for the good offices of this Legation, I have the honor to inform you that having received your telegraphic response, and also your instruction, number 246., upon the same subject, I have responded to Hr. Elmore that I am instructed

to

to aid him in any way I properly can towards obtaining justice from the Chinese Government, and towards inducing the latter faithfully to carry into effect its treaty with Peru. I enclose a
1/63. copy of my communication.

Nothing has transpired in this business, since my confidential despatch, number 55, was written.

I have the honor to be,

Sir,

Your obedient servant.

Chester Holcombe

Enclosure.

1. Mr. Holcombe to Mr. Elmore. October 29th/4, 1878.

Despatch No. 63.
Enclosure.

Mr. Holcombe to Dr. Elmore.

Peking, October 29th, 1870.

Sir,

Recurring to your letter of the 11th ultimo, in which you requested me to secure from my Government such instructions as would allow me to extend the good offices of this Legation in aid of your efforts to secure free emigration of Chinese to Peru, in accordance with the stipulations of the Peruvian treaty with China, I have now the honor to inform you that I am instructed to aid you in any way I properly can towards obtaining justice from the Chinese Government, and towards inducing the latter faithfully to carry into effect its treaty with Peru.

I have &c.

(Signed) Chester Holcombe.

Ack'd. approving Jan 2. 79. Mr Bch.

Ack'd & approved as per Report from Commr Dec 27 Mr Cadle O'Connor

No. 64. Three Enclosures

Legation of the United States.

Peking, October 31st, 1878.

DEPARTMENT OF STATE DEC 19 1878 RECEIVED

Chester Holcombe to the Secretary of State.

Subject.

Claim of Mr. C. C. Williams.

Synopsis.

Refers to Department instruction, number 227, and Mr. Holcombe's despatch, number 18, and forwards Mr. Henderson's report and Mr. Williams' statement. Mr. Holcombe has instructed the Consul at Canton to examine into the business

business, and should his conclusions warrant such a course, to present the case to the Authorities at Canton. Gives reasons for this procedure, of which approval is requested

No. 64. Three Enclosures.

Legation of the United States.

Peking, October 31st, 1878.

Honorable William M. Evarts.

Secretary of State.

Sir:—

Recurring to your instruction, number 227, in the matter of the complaint of Mr. C. C. Williams of Swatow, against a British subject for injuries alleged to have been done to his wharf property, and also to my reply, number 18, in which I informed you that I had requested detailed reports in the case from Mr. Henderson, and, through Mr. Stahel, of Mr. Williams, I now have the honor to submit

to

1/64
2/64 to you copies of those reports as received.

From the former you will notice that Mr. Henderson expresses his "unqualified (private) opinion "that Mr. W. has no case whatever, "either in law or fact, either "against Messrs. Bradley & Co., "or the Chinese Authorities."

He also states that, in his opinion, Mr. Williams' case, if any, lies against the British firm.

My second enclosure, — Mr. Williams' statement, followed by copies of a voluminous correspondence — has seemed to me to be hardly clear and definite enough, in the presentation of fact and evidence bearing upon, or serving

to

to indicate the nature and extent of the injury done to his property, to allow me to base any representation to this Government upon it.

So long as H.C.M. Prince Kung gravely asserts that the bar at Woosung is a divinely constituted barrier, established for the protection of China, foreign representatives may well insist upon evidence overwhelming in its minuteness and detail, before seeking redress from China for injuries done by the action of water, superinduced though such action may be by human agencies.

As it is also true that any step taken by which the complaint of

of Mr. Williams should be placed before the Foreign Office, would cause that body, in the usual course of procedure, to refer the business to the Provincial Authorities at Canton, I have thought best in the first instance, to instruct Mr. Lincoln to make a personal examination into the case as submitted by Mr. Williams, and, should his conclusions warrant it, to present the business to the Provincial Authorities at his post. I have furnished him with a copy of Mr. Seward's instruction to Mr. Henderson, and also with an extract from your instruction, number 227. I enclose a copy

3/64.

coing of my despatch, and trust that my action will meet with your approval.

It is more than likely that the Chinese Authorities, both at Canton and here, will insist that the case is simply one of controversy between two foreigners, in which, according to Article 27. of our treaty, they are bound not to interfere.

I think it to be my duty to call your special attention to certain portions of the correspondence between Mr. Williams and Mr. Henderson, as given in the enclosures of Mr. Williams letter to Mr. Stahel. I refer to numbers 14. 15. 16. 17. 21. 25. and 27.

I

It would seem that Mr. Williams had grave reason to complain both of the course and the tone of his Consul.

I have the honor to be,
Sir,
Your obedient servant.
Chester Holcombe

Enclosures.

1. Mr. Henderson to Mr. Holcombe
No. 80. July 20th, 1878.
2. Mr. Williams to Mr. Stahel.
August 9th, 1878.
3. Mr. Holcombe to Mr. Lincoln
No. 44. October 30th, 1878.

Despatch No. 64.
Enclosure 1.

No. 80.

Mr. Henderson to Mr. Holcombe.

Ningpo, July, 20th, 1878.

Sir:-

In reply to your despatch No. 56 I beg to state that on receipt of Mr. Seward's despatch referred to by you, I wrote Mr. Williams the enclosed letter No. 155, accompanied by the one named in it for Mr. Gregory.

Mr. Williams declined to submit the case to our arbitration and returned the latter despatch, at the same time insisting that it was my duty to prepare a case for him against the Chinese officials. This I declined to do, whereupon he "appealed" to the Consul General at Shanghai accusing me of hostility to him, corrupt motives &c.

I will add that shortly afterwards I visited Kwatow and examined the situation carefully, and it is my unqualified (private) opinion that Mr. W. has no case whatever in law or fact either against Messrs. Bradley & Co., or the

Chinese

Chinese Authorities. If any, it certainly lies against the former, and then his course is clearly the one I pointed out to him first, last and all the time. A reference to the well established principle may be found on Page 130, "Digest of Opinions on Leading Cases on International Law."

Yours &c.

(Signed) F. J. Henderson

Consul.

No 155 Enclosure No. 1.

Mr. Henderson to Mr. Williams.

Amoy, December 6th, 1878.

Sir,

I hand you herewith a letter for Mr. Consul Gregory enclosing copy of Mr. Sewards despatch to me in relation to your dispute with Messrs. Bradley & Co.. If you desire to submit the case to our arbitration as suggested by Mr. Seward you may hand the same to Mr. Gregory, if you prefer it through our Consular Agent. If, however, you elect to proceed directly through the British Court, you may ask the Consular Agent to return the despatch to me.

Any representations which you may desire to make to the native authorities concerning your case, will be forwarded to them by me upon payment of proper costs and charges when prepared in conformity with the treaty and regulations. Such communications should be drawn up in Chinese with an English

Translation

translation.

If you have not the means at hand for making suitable translations, that work can be done at this office at your expense.

I am &c.

(Signed) J. J. Henderson
Consul

No. 154. Enclosure No. 2.

Mr. Henderson to Mr. Gregory.

Amoy, December 6th, 1878.

Sir,

I have the honor to inclose for your information copy of a despatch recently received by me from the U.S. Minister at Peking suggesting a friendly concert of action on our part and if necessary in conjunction with the native authorities for the settlement of a dispute which has for some time existed between Messrs. Bradley &c., and Mr. C. C. Williams of Swatow affecting the right of the former to reclaim certain tide-lands at that port.

If this suggestion meets with your approval I, myself, am willing to act upon the matter provided the parties will first agree in writing before you, to accept our arbitration and pay the necessary costs of the proceedings including my passage and other expenses.

I would advise unnecessary

delay

delay while here, it will be very desirable to have the issue definitely settled by petition and answer in proper form, and as near as may be, a time fixed for the hearing.

It would suit me to go down at any time this month, the sooner I think the better.

Hoping to hear from you at your convenience

I am, Yours &c.

[Signed]

J. L. Henderson

Consul.

Despatch No. 64.
Enclosure 2.

No. 32

Williams Bro., to Mr. Stabel.

Swatow, 9th August, 1878.

Sir,

In conformity with our Despatch of 23rd ultimo, we now beg to hand you the enclosed information, and as the question at issue is a matter belonging exclusively to our firm, Williams Bro., we beg to lay before you to the best of our ability a full statement, of the facts, of our complaint, to the Chinese Authorities, and to, J. J. Henderson, Esquire, U.S. Consul at Amoy, Enclosing copies of correspondence which has passed between, our firm, Consul Henderson, Chinese Mandarins, and Harbor Master, on the matter, of Messrs Bradley Bro., filling in the back River, thereby changing its original course, and destroying our Entire Wharf property, as predicted and stated, to all of the before mentioned, Officials, in our letters of Feby 3rd and 5th 1877.

We wish it to be distinctly understood, that

that we have at no time, entered any complaint in the British Court, against Messrs. Bradley & Co., as we have from the first, considered the Chinese Local Officials responsible, for the destruction of our property, we having notified them, of the intentions of Messrs. Bradley and Co., before any dammage was done to our property, and officially called on them, to protect it from the serious damages, which it has sustained, through their omitting to enforce their authority, in a matter, which is undoubtedly under their control; Official correspondence, relating to this injury, being done our property, are among the archives of the U.S. Consular Agency, which is now, in charge of the British Consul here.

Considering that a detailed account of this whole matter is absolutely necessary that, the case may be clearly understood from the beginning; and for that purpose, we have collected, all documents in anyway, appertaining to the premises. We will therefore begin with the White Chinese

Deed

Deed, for the land first purchased by Mr. C. C. Williams, of which, we enclose a Chinese Copy, as recorded in the U.S. Consulate here, and dated June 1874, which will explain itself, and as a very important alteration, was made in the body of this Chinese Deed, without the Knowledge, or consent of the parties concerned which alterations are in red ink, and was made at the time the Deed was sent to the Taoutai, to be stamped.

Messrs. Bradley Bro., at that time were stopped, by the Chinese Local Officials from attempting to fill up the river frontage, but succeeded in running out a stone pier, 480 feet into the river, before they were stopped, by the Chinese Local Officials.

This controversy, and the stoppage of Messrs Bradley Bro., as well as others foreigners, from filling out, took place in July 1874.

We therefore, most naturally, expected the Chinese Local Officials, to still possess the right of Control, over their rivers and Harbours, at all times, and more especially

where

when they are officially called upon, to protect our Wharf property, from serious destruction, which His Excellency the Taotai had granted Official permission to construct, the original document, we understand, is in the U.S. Consulate, and beg to enclose a rough copy of same, in Chinese.

In August 1874 a document was drawn up, by the foreign Consuls, and foreign owners of water frontage, in Swatow, and signed by all concerned, and presented, to the Chinese local Officials for their signature, and approval, it being necessary for the validity of this document that they should become a party to it but they declined to have anything to do with it; consequently the whole thing fell to the ground, and the document was never ratified, up until the time our Wharf was built, and we are not aware that it has, been ratified since.

Finding that the Chinese Local Officials, would not comply, or yield to the propositions of the Foreign Consuls and

foreign

foreign land owners, Our Mr. Williams applied in September 1874, to H.S. Consul Mingate, to have his White Deed stamped, and returned, which document, we must remark had been in the possession of the Egoutai since the early part of July 1874. This application as well as several others, which followed, did not cause a surrender of the stamped Deed, and we were consequently, not allowed to take possession of the property, on the plea that the original seller of the land had no right to sell any part of the river, such being Government property, although these same Local Officials had previously stamped three Deeds for three different lots of land, with the same conditions, as those embodied, in our Deed, and as all these lots of land were purchased from the same original, Deed. We as a natural circumstance, expected to have the same privileges as the other three foreigners, who purchased in advance of our Mr. Williams, and beg to add their names, Edward Vincent,

Patrick

Patrick Campbell and G. B. Leech, all British subjects.

In the month of march 1875, after the arrival of Consul T. F. Sheppard, Mr. Williams received his stamped Deed with the alterations before mentioned which called for an official protest from Mr. Sheppard, on behalf of Mr. Williams, which document is no doubt, on record, as the same was forwarded to the Taotai by Consul T. F. Sheppard.

This did not however change the plans or determination of the Local Officials as they had limited us, by the alteration, made in our Deed to forty Mandarin chang, about 480 English feet.

We filled out and reclaimed land to that limit only, and on the foreshore of this land, we erected our present Godowns and office property.

In March 1875 we made application through our Consul T. F. Sheppard, Esquire, for permission to build a wooden piled wharf into the deep water of the river, for the greater accommodation, and facility of steamers and

sailing

and sailing vessels and interests of our business generially, which permission was granted us by the Taoutai in his despatch dated April 12th 1875, copy enclosed in Chinese.

In consequence of this official permission, we expended a very large sum of money, in building the Wharf property, believing that our rights and property interests would be duly protected and cared for, by the Chinese Local Officials, whose duty at all times, we consider, is to prevent the wilful destruction of property, and as the Taoutai in his letter of February 9th, 1877 to our Mr Howland, then acting U.S. Consular Agent, clearly states, that Messrs Bradley & Co, had no authority to fill the water frontage; — such being the case, we at once asked, why — did the Local Officials permit such a flagrant outrage of Treaty Obligations in wilfully and neglectfully permitting this serious damage to our property.

To day our property is utterly — ruined and the Wharf is filled up to such an extent, that vessels can not use but a very small portion of it.

We have therefore no course left

open

Open to us, but to appeal to you for justice and beg that you will at an early date, lay our complaint before His Excellency the United States Chargè d'affaires at Peking, and request that the serious injuries we have sustained may receive all due consideration, and ample redress, when represented, to the High Chinese Officials — through our proper High Official Channel at Peking.

The direct damages inflicted on our Wharf property has necessarily caused serious indirect damages, and loss, in the general use of our Godown property, in consequence of which, our business generally has been very extensively damaged, and must in consequence consider the loss we have sustained actually, and in approximation, is at least one hundred and fifty thousand dollars, and in this our petition for justice pray to be allowed full compensation, for the injuries sustained.

We now beg to hand you different documents, in addition to this despatch, together

together with the three plans of the part of the river, and foreshore at Swatow, with the Wharf, showing the silting up of the frontage, and the changes made by the filling.

Attached please find, a list of documents, numbering from one to thirty one, with the plans in a separate parcel.

We have &c.

(Signed) Williams & Co.

List of Documents.

No. 1. Feby 3/77 Williams Bro., to U.S. Consular Agent.

" 2. " 3/77 U.S. Consular Agent to Chang Taoutai.

" 3. " 5/77 U.S. Consular Agent to Chang Taoutai.

" 4. " 3/77 Williams Bro., to Acting Harbor Master.

" 5. " 5/77 Acting Harbor Master Reply to letter of Feb'y 3/77.

" 6. " 3/77 U.S.C. Agent to the Tengchai magistrate.

" 7. " 7/77 From Taoutai to U.S.C. Agent.

" 8 Sept: 12/77. Williams Bro., to Consular Agent.

" 9. " 12/77 Consular Agent to Williams Bro.,

" 10. " 20/77 C.C. Williams to J.J. Henderson, Esquire.

" 11. Oct. 4/77 C.C. Williams to J.J. Henderson, Esquire.

" 12. " 3/77 J.J. Henderson to C.C. Williams.

" 13. " 9/77 C.C. Williams to J.J. Henderson.

" 14. " 22/77 Williams Bro., to J.J. Henderson.

" 15. " 22/77 H.J.H. Edwards on behalf of J.J. Henderson to Williams Bro.,

" 16 " 30/77 Williams Bro., to J.J. Henderson.

" 17. " 25/77 H.J.H. Edwards on behalf of J.J. Henderson to Williams Bro.,

" 18. Nov. 2/77. J.J. Henderson to C.C. Williams.

" 19 Oct 31/77 Minister Seward to J.J.H. forwarded to C.C. Williams.

" 20 Nov. 30/77 C.C. Williams to J.J. Henderson.

" 21. Dec. 6/77. J.J. Henderson to C.C. Williams.

" 22. " 10/77 C.C. Williams to J.J. Henderson.

" 23. " 22/77 C.C. Williams to J.J. Henderson

" 24 " 22/77 C.C. Williams to Hon. S. Wiley Wells.

No.

No. 25. 2/4/77 J. J. Henderson to C. C. Williams Bro.,

" - 26. 28/4/77 C. C. Williams to Hon. G. Wiley Wells.

" - 27. 23/4/77 J. J. Henderson to C. C. Williams.

" - 28. Jan 11/78 C. C. Williams to Hon. G. Wiley Wells.

" - 29. Copy of the Original Chinese Deed of "Kuay Tong Ku Tong, from which the land of C. C. Williams now owned by Williams Bro., was originally purchased, in June 1874.

" 30. Copy of C. C. Williams. Stamped Deed purchased from the original Deed of Land belonging to Kuay Tong Ku Tong, June 1874.

" 31, Copy of a Despatch from Ku Taoutai in reply to a dispatch from U. S. Consul Sheppard soliciting permission for Captain Williams to build a wooden pulled pier in Swatow; dated April 12/75. Received April 15/75.

Yours respectfully

(Signed) Williams Bro.-

Williams Bro. to Mr. Howland.

Swatow February, 3rd, 1877.

Sir,

We have the honor to hand you a letter, which we would beg you to forward to the Footai, and with a few variations to meet the circumstances, to the Teng Hai magistrate also, and request that you will add anything which will cause the Chinese magistrates to proceed in this important matter at once.

We are &c.

(Signed) p/pro. Williams Bro.

Wm O. Howland.

No. 2.

Williams Bro. to Chang Jaoutai.

Swatow, February, 3rd, 1877.

Sir,

We have the honor to call your attention to the filling in with mud - Sand and Stone by Messrs Bradley Bro. on the Sea frontage - adjoining the land of C. C. Williams, Esq. - In their making the same attempt you stopped them about two years ago, they at that time having no authority, or Stamped "Deed", and we learn from the Teng hai magistrate's Yamên that they have never received one since that time. By their continuing to do so, the obstructions - which would result would be the throwing out the Junk anchorage, and more especially the distruction of our property.

We now beg to enter our protest against their doing so, and would respectfully request you to take proceedings at once (that no inconvenience may be caused them) to have this matter stopped without delay.

We &c. -

(Signed) pp. Williams Bro

Wm. J. Rowland.

Wm O. Howland to Chang Taoutai.

Swatow, February, 5th, 1877.

Sir,

I have the honor herewith to forward you a copy of a letter received from Messrs. Williams & Co., calling your attention to a repetition of an old subject - the filling in with mud, sand and stone by Messrs Bradley & Co. on the sea frontage adjoining land owned by C. C. Williams, Esquire - By their continuing to do so, it will greatly damage his property, as well as the fine anchorage, and continually change the water course, and form a bank of mud and sand where Messrs. Williams & Co. wharf now stands.

A few years ago a similar attempt was not permitted by you to be carried into execution, And I now take the liberty of soliciting in behalf of the said property, which is in danger of being seriously damaged, and the use of the wharf to Chinese merchants in "Swatow" of being completely nullified.

Trusting this matter may receive your kind consideration and prompt interference.

I am &c.

(Signed) Wm O. Howland
acting U. S. Consular Agent.

Williams Bro, to Acting Harbor Master.

Swatow, February 3rd, 1874.

Sir,

Having called the attention of Mr. T. H. Manners late Acting Harbor Master, on Monday last, to the filling in with "Mud" and "Sand" by Messrs. Bradley Bro, on the "Sea" frontage adjoining the land of C. C. Williams, Esq. and having pointed out to him the obstructions which would result by their continuing to do so, both by throwing out the Junk Harbourage and more especially by destroying private property. We now beg to enter our protest against their doing so, and would request (without delay, so as to cause no inconvenience to them) you to take proceedings in this matter.

We may as well state, that we have learned that they have Contracted with one Ah-Lue, to fill on a line with the "Bund" wall on the property of said C. C. Williams, Esq. - and should this be continued, the said property to the Extent of more than One hundred thousand dollars. ($100,000) would be injured.

We &c. -

(Signed) p/pro Williams Bro.,
Wm O. Rowland.

No. 5.

Acting Harbor Master to Williams & Co.

Swatow, 5th February, 1877.

Gentlemen,

I beg to acknowledge the receipt of your letter of the 3rd instant requesting me to take proceedings in the matter of Messrs Bradley & Co. filling in on the "Hea" frontage adjoining Mr Williams' land, and in reply, to inform you, that with regard to the detriment you apprehend to private property; this "Office" has no authority to interfere in any way, with regard to the injury to Harbor, and disturbance of fixed anchorage, I shall give the matter my attention, and lay your letter before the Commissioner of Customs for his consideration and action.

I may mention that my own individual opinion is that, it is far from so certain as you appear to think it, that the filling in referred to would interfere prejudicially with the Junk Anchorage, but in a matter of this sort, I should defer to the opinions of more experienced persons.

On the arrival of the newly appointed Harbor Master, Mr Rae, now daily expected - I shall call his attention to the matter.

I am &c.

(Signed) L. Lowe
Acting Harbor Master.

Mr. Howland to Ting Hai Magistrate.

Swatow, February, 5th, 1877.

Sir,

I have the honor herewith to forward Copy of a letter received from Messrs. Williams Bro. - and to draw your attention to the proposed plan of Messrs. Bradley Bro. of filling in the Sea frontage adjoining Messrs. Williams Bro. "Bund Wall", which would Eventually change the - water course and form bed of mud and sand where this Wharf now stands.

A few years ago, so I learn, a similar attempt was not permitted to be carried into Execution, and I now take the liberty of soliciting in behalf of the above property which is in danger of being seriously damaged, and the use of the Wharf to Chinese Merchants in "Swatow", of being completely nullified.

Trusting this matter may receive your Kind Consideration, and prompt action

I am &c.

(Signed) Wm. C. Howland

Acting U.S. Consular Agent.

Chang Taoutai to Mr. Rowland. (Translation)

Chau Chow fu. Feby 7th, 1877.

Sir,

I have the honor to receive your respectful communication saying that Messrs. Bradley & Co., were filling the water frontage with Stone, mud and sand adjoining C. C. Williams, Esq. land, I know, but Messrs. Bradley & Co., have no authority to fill the said water frontage, but I dont know whether he has bought with somebody or not.

I never received any despatch from H. B. M. Consul saying Messrs. Bradley & Co, had bought land. I will call the attention of Teng hai Magistrate of "Swatow" to stop this matter.

Wishing you good health.

A respectful reply.

Williams Bro., to Mr. Howland.

Swatow, September 12th, 1877.

Sir,

Will you kindly inform us if you have on "file" in the Archives of the U. S. Consular Agency, our letters to you enclosing one for the Taoutai, the same with variations to meet the circumstances to the Feng hai Magistrate, of February 3rd, 1874.

We are,

(Signed) Williams Bro.,

No. 9.

Mr. Howland to Williams & Co.

Swatow, September 12th, 1877.

Dear Sirs,

In reply to yours of even date, I have the honor to inform you, that your letters of February 3rd, 1877 to myself as acting U. S. Consular Agent, and to the Taoutai, are on "file" in the Archives of this Consular Agency.

I am &c

(Signed) W.m O. Howland
U. S. Consular Agent.

C. C. Williams to Mr. Henderson.

Swatow, September, 20th, 1877.

Sir,

It is with much regret that I have to call your attention to a serious amount of damage which has been, and still continues to be done to my "Wharf" property at this port, caused by my neighbor Mr. T. N. Richardson filling up the River in front of his "Office", with "Sand", "Mud" and "Lime", thereby changing the course of the back "River," and causing the "Mud and "Sand" to silt up at my "Wharf", thereby making the inside "berth" at the "Wharf" unfit for the use of "steamers" or "sailing" vessels", and seriously injuring my property value, and my business interest generally.

My official protest was filed at the Consular Agency, by my Attorney on February, 3rd, 1877 in which was stated my objections, and the copy of same was sent to the Taotai informing him of said filling being commenced by the said T. N. Richardson, but no steps were taken by the Chinese Officials to prevent it.

I.

I am not aware that Mr. Richardson is in possession of any Chinese "Deed", whereby he has any right to fill out into the "River" to the detriment of others, I may also add for your guidance, that Mr. Richardson held no Chinese "Deed" for the same water frontage in 1874, and he then attempted to fill in, and succeeded in running out into the main river a stone "pier" 780 feet long - and was at that time stopped by the Chinese Authorities for impeding the navigation of the harbor, and I do think it the duty of the Chinese Government to put a stop to any such filling when notified of the serious amount of damage caused by the said filling in, to the property of Williams &c.

In 1874 a Special Mandarin was sent here by the "Viceroy" at Canton, to put a stop to the filling, in front of Richardson's place, and in conjunction with the Fenghai Magistrate, the Customs Chinese Deputy and Loching Deputy, together with Mr. Grates, the British Consul then here, they all met on Richardson's Ground, when it was decided

by

by the Chinese that, the water frontage in front of Richardsons frontage, should not be filled out to deep water, as it would seriously interfere with the "Junk Anchorage". - I imbody all this information as you may not be aware of the facts.

I have now to petition you to assist me in taking the proper steps to place this matter before the Chinese Government notifying the proper officials, that the claim for damages will be made on them for allowing my property and business interests to be wilfully and seriously injured, when requested to protect it by my Agent through the Consular agency here, - notified the Harbor Authorities and the British Consul, of the danger being done, and requested them to prevent the same, but no steps were taken in the matter by them.

And as I am informed by my Attorney that Copies of the different Official Correspondence has been sent you through the Consular Agency here which appertains to the present condition of affairs.

I do not think that I can with justice take any

any proceedings against Mr Richardson in this matter, as the Chinese Government permitted him to fill out the water frontage, and change the course of the "River" after they had been duly notified by my Attorney through the U.S. Consular Agency here, that my property would be greatly damaged thereby forming a bank of "mud" and "sand" at Williams Bro's wharf and finally destroying the entire wharf property.

I shall be pleased to hear from you at your convenience and shall be glad if I can furnish you with any additional points which you may require before taking any decided steps in the matter.

Trusting, Sir, you will favor me with your official and friendly support in this matter and I feel confident had you been our Resident Consul, and on the spot, steps would have been taken to obviate the damages which my property has sustained.

Have [illegible]

(Signed) C. C. Williams.

C. C. Williams to J. J. Henderson.

Swatow, October, 11th, 1877.

Sir,

I last wrote you on the 20th Ultimo a copy of which I herewith inclose, trusting the original has reached you before this time. I sincerely trust you will assist me at as early a date as possible, in obtaining redress from the Chinese Officials for allowing my Wharf property to be destroyed Knowingly, after they had been officially notified by my agent through the U. S. Consular Agency here, that my property was then being seriously damaged, and in the face of my protest have permitted the damage to be done.

Surely this wilfull sacrifice of property interest and business value are entitled to all due consideration, respect, and protection by the Officials of the Government of the Country in which we reside.

Trusting Sir, through your advice and official action in this matter to receive redress for the serious damages sustained.

I have &c.

(Signed) C. C. Williams.

No. 72.

Mr. Henderson to Mr. Williams.

Annoy, October, 3rd, 1874.

Sir,

I have to acknowledge the receipt of your communication of September, 20th in which you complain of the action of Mr. J. W. Richardson in filling up the "river" in front of his office to the damage of your adjacent wharf property, make mention of steps you have taken to prevent its continuance, and ask my official and friendly assistance in obtaining redress.

In reply I will say that in my opinion there is no present occasion for my official interference in the case, even if I had a right to interfere, which, under the existing rules and practice of the treaty powers in the country, as I understand them, I more than doubt; and I can but repeat the opinion I expressed to Mr. Con. Agent Rowland in my despatch 103 of Feby 21st last, that your remedy, if you have any, lies against Mr. Richardson through the British

Consular

Consular Court at Swatow. The remedy for all wrongs committed by British Subjects against the rights of Citizens of the "United States" in "China" is in the hands of the British Judicial Authorities, who, it is expected and believed, will in all cases, administer justice impartially, without prejudice on account of the nationality of the party plaintiff. The rights of foreigners of other nationalities to seek redress from British Subjects through the British Courts in "China" without the intervention of their own Judicial authorities is, so far as I know, universally recognized and exercised.

Holding these views I fear it would be regarded as a discourteous and unwarranted imputation of incompetence, lack of integrity, or partiality in the British Court for me to interfere officially in the matter, until at least the proper legal steps have been taken by you to obtain redress in the regular way.

I am not in possession of any facts which, in my judgement, would justify me in taking the course you suggested concerning the action of the Chinese Government officials.

Yr

No. 12.

If Mr. Richardson is damaging your property as you allege, and without the right to do so, my friendly advice to you is - to get proper legal advice and assistance from "Hong Kong", and commence proceedings to stop it, or recover damages for the injury caused - As I suggested to Mr. Howland in the communication above referred to - A temporary injunction might be asked for, until the merits of the case can be Enquired into, and after that a permanent one, if you are found to be entitled to it.

I am &c

(Signed) J. J. Henderson

Consul.

C. C. Williams to J. J. Henderson.

Swatow. October 9th, 1877.

Sir,

I have to acknowledge the receipt of your Despatch No. 42 dated October 3rd, 1877.

And beg to thank you for the advice therein contained

I am &c.—

(Signed) C. C. Williams.

No. 144.

Williams & Co., to Mr. Henderson.

Swatow, October 22nd, 1877.

Sir,

Our attention has been called to an article in the "HongKong" Daily Press" of the 15th instant written by the Amoy Correspondent, refering to an important case coming on at "Swatow" between Messrs. Williams & Co., owners of the new wharf and pier, and Messrs. Bradley & Co.,

In this article we find words similar to those embodied in our Mr. Williams letter to you of 20th of September, as well as a part of your Despatch in reply No. 42. of October 3rd 1877.

We are therefore at loss to understand why any private matter of ours should be made public, when up to date we have taken no legal steps against Messrs. Bradley & Co.,

May we be permitted to ask if you have authorized the Amoy Correspondent for the Daily Press to publish any part of the before

mentioned

mentioned documents? Awaiting your reply

We rec.

(Signed) Williams & Co.

No. 15.

Mr. Henderson to Williams Bro.

Amoy, October 22nd, 1877.

Gentlemen,

Mr. Henderson has handed me your note to him of October, 22nd and desired me to say that, he has authorized no person to publish in the "Daily Press" or any other paper, any part of the documents referred to in your letter.

I am &c.

(Signed) St. J. H. Edwards.

Acting Clerk of the Consular Court of Amoy and Dependencies.

Williams Bro. to Mr. Henderson.

Swatow, October 30th, 1877.

J. J. Henderson, Esquire.

H. B. M. Consul

for Amoy and dependencies

Sir,

We addressed you last on the 22nd instant by "post", and as our letters may not have reached you, we forward copy y same under cover, through the H. B. M. Consular Agency here, which we trust you may receive in due course.

Favoring us with a reply at your early convenience

We have &c.

(Signed) Williams Bro.

No. 17.

H. J. N. Edwards to Williams Bro.

Amoy, October, 25th, 1874.

Gentlemen,

With reference to the subject of your letter to Mr. Henderson, I beg to say that I, as Clerk of the Court, am in the habit of permitting correspondents to take notes of proceedings in the Consular court in which way the correspondent of the "Daily Press", I believe obtained his information of the case you refer to. However your petition of September 20th to the Consul itself, states that the matter had already been made the subject of proceedings before the British Consul, the Harbor Master, and the Taoutai at Swatow.

Hoping no harm has been done to your case by the publication.

I remain &c.

(Signed) H. J. N. Edwards.

No. 18.

Mr. Henderson to Mr. Williams.

Amoy, November 26th, 1877.

Sir,

I have to inform you that copies of your letters to me, and my reply concerning the dispute between you and Messrs. Bradley & Co., a Swatow was some time since, referred to the American Minister at Peking.

I now beg to enclose copy of his reply to the same.

You may show this letter to Mr. Gregory, and say to him that I am willing to act with him in the adjustment of the dispute as suggested by the Minister if agreeable to him, please ask him to let me know when it will be convenient for him to take it up and I will go down.

I am &c.

(Signed) J. J. Henderson

Consul.

No. 19.

Mr. Seward to Mr. Henderson.

Peking, October 31st, 1877.

U. S. Consulate General.
November 10th, 1877.
Shanghai.

Sir,

I have the honor to receive your Despatch No. 61.

I have spoken of the matter at issue between Mr. Williams and Mr. Richardson to H. M.'s Chargé d'Affairs - and we have agreed to - suggest to our respective officers that the case may be appropriately dealt with in the way of a friendly consert of action between yourself and Mr. Gregory, and between you and Mr. Gregory on the one side, and local Authorities on the other, if this becomes necessary.

Mr. Williams may of course, proceed in H. M.'s Consular Court, if he sees fit, and we certainly have no reason to doubt that he would be treated fairly in so doing. But clearly he has also the right to respect efforts for his protection from the Chinese authorities

on

on a right representation of the case, and there may be able to deal with it effectually under their undoubted authority to care for their rivers and harbors.

I see no reason why you should not consult with Mr. Williams, and assist him to reach a decision as to which course it will be best for him to take.

I am &c.,

(Signed) Geo. F. Edmunds.

No. 20.

Mr. Williams to Mr. Henderson.

Suratow, November, 30th, 1877.

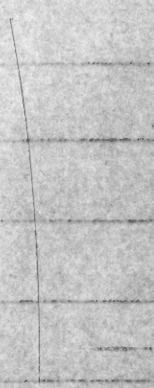
Sir,

I have the honor to acknowledge receipt of your Despatch No. 151 together with inclosed copy of His Excellency Mr. Seward's Despatch No. 28. dated at Legation of the U. S. Pekin, October 31st, 1877. As I do not hold an Official position I have reason to apprehend Mr. Consul Gregory might take exceptions to any other than an official Despatch.

I have to ask therefore that your suggestion be sent to Mr. Consul Gregory through your Consular Agency at this port. This will insure immediate attention to a matter of most serious importance, and will be in accordance with instructions sent by His Excellency Mr. Seward.

I am &c.

(Signed) C. C. Williams.



No. 21.

Mr. Henderson to Mr. Williams.

Amoy, December 6th 1877.

Sir,

I have given herewith a letter for Mr. Consul Gregory enclosing copy of Mr. Seward's Despatch to me in relation to your dispute with Messrs. Bradley & Co., If you desire to submit the case to our arbitration as suggested by Mr. Seward, you may hand the same to Mr. Gregory, if you prefer it through our Consular Agent. If, however you elect to proceed directly through the British Court, you may ask the Consular Agent to return the despatch to me.

Any representation which you may desire to make to the native Authorities concerning your case, will be forwarded to them by me upon payment of proper costs and charges, when prepared in conformity with the treaty and regulations.

Such communications should be drawn up in Chinese with an English

translation

translation.

If you have not means at hand for making suitable translations, that work can be done at this office at your expense.

I am &c.

(Signed) J. J. Henderson
Consul

Mr. Williams to Mr. Henderson.

Swatow, December 10th 1877.

Sir,

I have to acknowledge your Despatch No. 155 dated December, 6th, 1877.

As I have always considered the "Chinese Government" to have the right of Eminent domain or dominion over the Empire of China and its water"

I therefore must naturally respect redress for the serious injury which my property has sustained through the actions of the High Local Officials, in declining to enforce their authority when called on officially to protect my fellow countrymen's property from serious destruction as described in my letters to you, dated September 20th and October 4th 1877.

As you now refer to me a decision of the mode of redress to be chosen.

I may express my decided preference for that indicated by the sound and accepted principle laid down by Mr. Seward

in

in his Despatch No. 38, dated October, 31st, 1877. where he says, — But clearly he has also a right to expect Effort for his protection from the Chinese Authorities on a right representation of the case. It is therefore in account of this acknowledged right, that I have now to appeal to you as my Consul to take action in this case, to enable me to secure redress in compensation for the serious damages which my property has sustained.

I may also add that, it is this right representation of the case that from the first I have labored to have placed before the Chinese Authorities through your official action, which I have earnestly, repeatedly and respectfully solicited.

From the conditions embodied in the latter part of your despatch, if I understand them rightly — I am offered an opportunity to place myself personally in communication with the High Chinese Officials, and the U.S. Consulate will afford me postal facilities for the forwarding of any official

Documents

documents or papers that he may wish to draw up.

This is so much at variance with the existing usages, that I fear I must seek for advice before making the attempt. I shall await your further official communication after further consideration of the case, and beg to return the despatch addressed to Dr. Gregory.

I am &c—

(Signed) C. C. Williams.

No 23.

Mr. Williams to Mr. Henderson.

Swatow, December 22nd, 1874.

Sir,

On several occasions I have appealed to you officially for support and assistance in placing before the High Chinese Authorities a right representation of my just claims on them for damages which my fellow property has sustained in consequence of their refusal and neglect to protect my fellow's property when officially asked through the Consulate Agency to do so.

Said property being erected in, and on the bank of a Navigable River "within the Empire of China", and which is under the undoubted control and jurisdiction of the Chinese Officials.

Your continued objections to assist me in securing my rights, leaves open to me no other course than to lay my case before the U.S. Consul General at Shanghai to be forwarded if necessary to

His

His Excellency the Minister at Peking for settlement.

I must now express the conviction I feel that I have reason to complain of the unwarrantable and damaging treatment I have received at your hands.

Enclosing a sealed parcel for the Consul General which please forward to its destination by first opportunity. I also beg to hand you copy of my despatch No. 19 to His Honor the Consul General.

I am &c.

(Signed) C. C. Williams

No. 24

Mr. Williams to Mr. Wiley Wells.

Swatow, December 22nd, 1877.

Sir,

I beg to call your attention to an article in the Hong Kong Daily Press of 15th of October, which I forward you, headed "Amoy" from our own Correspondent. As this article appertains, to a private matter of my firm's, and embodies correspondence which has passed between myself and Mr. Consul Henderson of "Amoy", with part of his reply to me, I feel outraged to think that any private matter of this kind, intrusted, and addressed to the U.S. Consulate at "Amoy", should be publicly exposed in this manner, shewing the public, and our opponents the position Mr. Henderson intends taking in the case, should one come on.

I have enquired, but cannot find out, who the Amoy Correspondent is — having been refused the desired information, but apparently, it is some one

who

who has free access to the "Archives" of the U.S. Consulate, enclosing for your Honor's permission and perusal copies of the letters which has reference to the Article in question with their evasive replies written evidently under dictation, and signed by an acting Clerk of the Court, Mr. Edwards, as in his letter of October 25th, 1877 - wishes to make it appear, that a case has actually begun, when such is not the case, as my letters to Mr. Consul Henderson, will clearly define.

As a very serious injustice has been done my firm by this public exposure of matters which should have been kept strictly private, and it appears to me that the prosperity of American interests in this "port" can under Mr. Consul Henderson's jurisdiction have no secure protection or support, if, to be recklessly exposed in this manner, without regard to the consequences, it therefore becomes necessary to prevent the re-occurrence of such abuses.

I must confess that I am at loss to understand, why Mr. Consul Henderson should prematurely allow private matters of this

manner

never to get into the hands of my opponents, unless it be done with a view of defeating my purpose, and maintaining good fellowship at my Expense.

I may also mention, that my opponent Mr. T. W. Richardson, is the same gentleman to whom Mr Consul Henderson, tendered the Consular Agency of the U.S. in October, 1876 — which appointment was universally protested against by the American Citizens here, feeling as we had every reason to, that with the Consular Agency in the hands of a foreigner, American interest, and business Enterprise could be very seriously damaged, and effected, which is now fearfully realized by the Chinese Government Official permitting this same gentleman to destroy the property of my firm, after my "firm" had protested against the same, and asked the High Chinese Authorities officially through the U.S. Consular Agent here, to prevent this injury being done my property.

The Chinese Government having the right of Eminent domain over the lands and "waters" of China

and

and have neglected to enforce their authority, when called on to protect my firm's property from injury and destruction, I feel they should be held responsible for the damages done.

I have always been accustomed to apply to our Consular Representative for assistance and legal advice in all matters of disputes and injuries committed against my person and property, and in doing so, have felt with all previous Consuls, that my interests and that of my "firm", would be duly cared for, and protected against exposure and aggression.

I feel that I have every reason to complain of the very indifferent manner, in which I have been treated by Mr. Consul Henderson, on all occasions in which I have appealed to him for assistance in protecting my property and business interests from being damaged.

For a full explanation of the matter, I beg to refer your Honor to the enclosed copies of letters which has passed between

between Mr. Consul Henderson, and myself, remained from.

Feeling as I do, the very serious direct injury done to my "Wharf" property, as well as the serious indirect injury to my business generally, and not being able to obtain from Mr. Consul Henderson, the requisite official support, for the legitimate protection of my property and business interests, I have now no other course left open to me, but to lay this whole matter before your Honor, for investigation and have to appeal to your Honor for protection and advice in this matter.

On account of Consul Henderson's continued hostility to my case, I have every reason to feel that were he now to undertake to defend or represent my case, that nothing short of a serious and complicated disaster could be the result.

I have &c &c

(Signed) C. C. Williams.

No. 25

Mr. Henderson to Mr. Williams.

Amoy, December 27th, 1877

Sir,

You are hereby informed that it is not the business of this Consulate to forward to any one sealed "parcels" for private individuals, and especially when the postage on them is unpaid. The enclosed sealed "parcel" is therefore returned to you.

You are hereby also notified that the Consular Court for this District will hold a sitting at "Swatow" on or about the middle of "January" next, when you will be called on to show cause why you should not be punished for contempt in sending me your insulting letter of the 22nd instant with its inclosure.

You are hereby further notified that I will shortly commence an action against you for writing to the Consul General the libellous and malicious letter which you addressed that gentleman on the 22nd instant. Concerning me and my actions and motives

motives in connection with your dispute with Mr. Richardson.

I am Sir,

(Signed) J. J. Henderson

Convict.

Mr. Williams to Mr. Wells.

Swatow, December, 28th, 1877.

Sir,

I beg permission to lay before you the following statement.

Having come to the honest conclusion that my rightful interests as an American citizen, were suffering from what I consider-ed the neglect and unfair treatment they were receiving at the hands of Mr. Henderson, Consul at Amoy. - I felt impelled to refer the whole case to higher authorities.

I therefore prepared copies of the whole correspondence, to be forwarded to you, remembering that you had instruct-ed me in your Despatch No. 10902 of November, 15th 1877, to send them through the proper official channel. I inclosed the within package under seal to Mr. Consul Henderson to be forwarded to you.

I deemed it no more than right to address him a plain and frank avowal of my reasons for so appealing the case.

A

A copy of the letter addressed to Mr. Consul Henderson you will find enclosed.

I also sent him a duplicate of my Despatch to you of December, 22nd., 1877.

This morning the whole package has been returned to me. Not only has he refused to forward it, but as you will see in his Despatch dated December 27th, 1877 No. 163. - copy herewith enclosed. He now threatens to punish me for contempt, in sending him what he calls an insulting letter with its inclosure, he also threatens to commence an action against me for writing to the Consul General against what he chooses to call a libelous and malicious letter concerning his action and motives in connection which Mr. Consul Henderson terms my dispute with Mr. Richardson.

I now forward the whole case and its accompanying documents to you, and now appeal to you for immediate and needful protection against what I must consider a most high handed and arbitrary proposed mode of procedure.

I

I beg to be informed if the writing of a frank and honest official letter to the Consul General, who he styles a private "individual" be dealt with by a subordinate officer as libelous and malicious.

I have &c.

(Signed) C. C. Williams.

No. 27.

Mr. Henderson to Mr. Williams

Amoy, December, 23rd, 1874.

Sir,

It would seem necessary to remind you that in placing yourself in the attitude of a suitor for the intervention of the Consular Court for protection of your rights, you should not forget the courtesies due from suitors to Judicial officers.

Your communications to this court should be free from contemptuous insinuations or reflections. The directions which were given you concerning the preparations of communications to Chinese officers, and containing an intimation that any communication you might wish to make to them with reference to your case, would be forwarded by me, were not intended as an offer to furnish you with the "postal" facilities of the Consulate, but were meant for your guidance in case you should elect to proceed under the provisions of Article 27 of the treaty of '58.

I

I may add that it is not my duty to prepare a representation of your case in any event, and I certainly shall not assume any such responsibility. If it was proper for me to do so, I am not, as I have before stated, in possession of the necessary facts to justify me in making such a representation as you desire to the Chinese Officials. Indeed I am not possessed of facts in any form or statement of them necessary to constitute a cause of action by you against either the Chinese officials or Messrs. Bradley Bo..

You will hereafter be careful in making applications of any kind to this Court, or Consulate, to comply with the law, Regulations and usages governing in such cases

I am &c.—

(Signed) J. J. Henderson
Consul.

Acting. Judicially.—

Mr. Williams to Mr. Riley Wells.

Swatow, January 14th, 1878.

Sir,

I beg to enclose for your inspection Copy of Mr. Consul Henderson's Despatch No. 162. with the cover in which the original was received bearing post mark on Stamps of December 27th and January 3rd at "Amoy" - also post mark at "Swatow" January 8th on which date it reached me here.

The Despatch as you will observe, is dated December 23rd 1877, and was not mailed at "Amoy" until after my No. 18 of December 22nd 1877, had reached Mr. Consul Hendersons, which he should have received on 23rd of December, Mr. Henderson's Despatch No. 163 of December 27th 1877 was received by me on December 28th - Covering the sealed packet of letters addressed to you which was returned. I beg to call your attention to these facts, otherwise you might very naturally think that I purposely deferred sending Despatch No. 162

162 forward with the rest of the documents, but as you will observe, I was not in possession of this Despatch until 8th instant.

I may here state that having never appealed to Mr. Henderson in his Judicial Capacity for support or assistance as a Judge. I therefore do not think I have at any time furnished a basis for any judicial proceedings on my behalf.

My applications for the protection of my rights, have at all times been addressed to the United States Consul at Amoy Mr. J. J. Henderson from whom I naturally expected support and protection when my property and business value were being destroyed by the actions of the Chinese local authorities.

I feel that in all occasions due courtesies have been paid to Mr. Consul Henderson in my correspondence, and I am sorry to think he should feel that any contemptuous insinuations were addressed to him, as I assure you Sir, nothing was further from my thoughts.

In

In referring to Article 27 of the Treaty of 1858 as referred to in Mr. Henderson's Despatch No. 162. I do not see that this article has the slightest reference to the dispute between myself and the Chinese Government Officials.

I am &c

(Signed) C. C. Williams.

Despatch No. 64.
Enclosure 3.

No. 444. Two Enclosures.

Mr. Holcombe to Mr. Lincoln.

Peking, October, 30th, 1878.

Sir,

Upon the 11th October, 1877. Mr. Henderson reported to Minister Seward the application of Mr. C. C. Williams of Swatow for assistance in obtaining redress for an alleged injury caused to his wharf property by Mr. J. N. Richardson, a British subject, the injury being caused by the action of the last named gentleman in filling up the river in front of his office with sand, mud, and stone, thereby affecting the course of the current and causing the silting up of the channel at Mr. Williams's wharf to such an extent as to render it useless for vessels of any considerable size.

After consultation with H. B. M. representative here, Mr. Seward instructed Mr. Henderson that Mr. Williams might either proceed against the author of the alleged injuries in the British Courts, or

Took

look to the Chinese Government for redress and protection, and requested him to grant Mr. Williams his advice and
1/pm. assistance. I Enclose copy of Mr. Seward's instruction.

It seems that the complainant elected to hold the Chinese Authorities responsible, and applied to Mr. Henderson to interfere in his behalf. This he (Latter) declined to do and an unpleasant correspondence then arose, which ended in the appeal of the matter, either directly or through the Consulate General, to the Department of State.

Upon the 6th of May last the Secretary of State instructed this Legation to Examine into the questions involved, and to take such action as might seem proper. In order that you may be fully informed as to the views of the Government,
2/ inst. I Enclose an Extract from this instruction.

A report furnished me by Mr. Williams, while complete so far as the

Correspondence

correspondence between himself and Mr. Henderson is concerned, lacks somewhat in detail and definiteness of statement as regards the facts of the injury which his property has, as he claims, sustained. I have therefore to request that you will, at your earliest convenience, examine thoroughly into this business, putting yourself into communication with Mr. Williams, who will, doubtless, submit to you all the correspondence which has taken place and lay before you such proof as may be available, of the reality and extent of the injury done to his property.

In order to obtain a basis for an intelligent opinion as to the merits of his claim, it may be advisable for you to visit Swatow, and make a personal inspection of the property involved.

Should your conclusions warrant you in such action, you will please address the Provincial Authorities in Mr. Williams interest, and seek from them such remedy and redress as the facts

demand.

demand, being careful to keep within the lines indicated in the instruction from the Department. Be so good as to advise me fully of your opinions, the basis upon which they rest, and of any action which you may take, at an early day.

I am, Sir,

Your

(Signed) Chester Holcombe.

Enclosures.

1. Mr. Seward to Mr. Henderson
   No. 38. October 31st, 1877.
2. Mr. Evarts to Mr. Seward (Extract.)
   No. 227. May, 6th, 1878.

Ack.
C. P.

made

No. 65. One Enclosure.

Legation of the United States.

Peking, November 2nd, 1878.

Chester Holcombe to the Secretary of State.

Subject.

Request of Peruvian Minister for good offices.

Synopsis.

Refers to Mr. Holcombe's despatch, number 63, and forwards a copy of Mr. Elmore's reply.

No. 65. One Enclosure.

Legation of the United States.

Peking November 2nd, 1878.

Honorable William M. Evarts.

Secretary of State.

Sir:—

Recurring to my despatch, number 63, which covered a copy of a letter addressed to the Peruvian Minister informing him, in general terms, that I had received your instruction to render him assistance, I have now the honor to enclose a copy of his response, which, as you will see, he desires to have communicated to you. 1/65.

I have the honor to be,

Sir,

Your

Your obedient servant.
Chester Holcombe.

Enclosure.

1. Mr. Elmore to Asst. Holcombe.
October 31st, 1878.

Despatch No. 65.
Inclosure.

Legacion del Peru
en
China, Japan y Hawaii

No. 5. Peking, October 31st, 1876.

Dr. Elmore to Mr. Holcombe

Sir:

I have had the honor to receive your despatch of the 29th instant, informing me, in reply to the request contained in my letter of the 11th of September, that your Government has instructed you to aid me in any way you properly can towards obtaining justice from the Chinese Government and towards inducing the latter faithfully to carry into effect its Treaty with Peru.

I hasten to offer you my sincere thanks for this communication, and to beg you to have the goodness to convey to your Government the expression of my gratitude and that of my Government for the promptitude and friendliness of their response to my request of your good offices.

I shall, at the earliest opportunity

nity, take the liberty to inform you of the moment when, in my opinion, your good offices will be most efficacious, — and then I hope that we may so combine our action that the best results may be obtained.

Have the honor to renew to you, Sir, the assurances of my high consideration and personal regard.

(Signed) J. F. Elmore.

Ack. C. P

Commons Dec 20. addr

made

No. 66. One Enclosure.

Legation of the United States.

Peking, November 4th, 1878.

DEPARTMENT OF STATE DEC 19 1878 RECEIVED

Chester Holcombe to

the Secretary of State.

Subject.

River conservation at Chinkiang.

Synopsis.

Refers to Mr. Seward's number 379. States that the Chinese Authorities having again insisted upon the removal of the hulk, her owners, in August last, sought the intervention of the Diplomatic Corps, which was refused for reasons stated. Correspondence enclosed.

No. 66. One Enclosure.

Legation of the United States.

Peking, November 4th, 1878.

Honorable William M. Evarts.

Secretary of State.

Sir:—

In his despatch, number 379, of January 5th, last, Mr. Seward brought to your notice a discussion which had arisen between the Chinese and British Authorities with regard to the right of the former to insist upon the removal of a certain hulk at Chinkiang from its moorings to another locality, upon the ground that, as placed, it so deflected the current as to endanger the bank of the river.

He

He informed you that the Chinese Government had taken legal advice in England as to their rights in the premises, which advice, also summarized by Mr. Seward, was entirely in their favor.

In July of the present year, the local authorities at Chinkiang again took steps to secure the removal of the Sulks, whereupon its owners, Messrs. Butterfield & Swire, sought, through the Shanghai General Chamber of Commerce, the intervention of the Diplomatic Corps, in their behalf.

I have the honor to place
166. before you the correspondence which took place, from which

You

You will see that we declined to interfere in the business. We reached this conclusion in view of the following reasons:—

1st u. The case being purely between the Chinese and British Authorities, no action could be taken by us without the request of Mr. Fraser, H.B.M. Representative.

2nd u. Mr. Fraser frankly informed us that his Government entirely conceded the right claimed by the Chinese, and had definitely instructed him to take no steps to prevent the removal of the hulk.

3rd u. It was shown to us that the Intendant at Chinkiang had requested the consent of the British Consul to the removal of the

hulk

hulk temporarily, which consent had been granted.

It was also the opinion of the majority of the Representatives present, that, with or without the consent of the British Government, China had the right to take such steps as she deemed necessary to the preservation of her rivers and harbors.

I have the honor to be,

Sir,

Your obedient servant.

Chester Holcombe

Enclosure.

1. Certain correspondence relating to the removal of a British owned hulk, at Chinkiang, to another mooring, by the Chinese Authorities.

Despatch No. 66.
Enclosure.

No. 178. Kaiserlich Deutsches General Konsulat zu Shanghai.

Shanghai, le 8 Août, 1878.

Monsieur le Ministre et Doyen!

La Chambre de Commerce à Shanghai a prié le Corps Consulaire, de remettre à votre Excellence la requête ci-jointe, en date du 3 ct. relative aux mesures prises par les autorités chinoises de Chinkiang à l'égard du hulk des sieurs Butterfield and Swire, marchand de commerce Anglais. Le Corps Consulaire n'a pas cru pouvoir refuser cette demande.

Agréez, Monsieur le Ministre et Doyen, les assurances de ma très-haute considération.

(Signé) C. Lucdes
Consul Général d'Allemagne
Doyen du Corps Consulaire.

Son Excellence
Monsieur de Espana,
Envoyé Extraordinaire et Ministre Plenipotentiaire
d'Espagne, Doyen du Corps Diplomatique
à Peking.

German Consulate General.
of Shanghai.

Shanghai 8th August 1878.

Sir Minister and Doyen,

The Shanghai Chamber of Commerce has requested under date of 3rd instant, the Consular body to forward to Your Excellency the subjoined request, relative to the measures taken by the Chinese Authorities, with respect to the Hulk of the British firm of Messrs. Butterfield and Swire at Chinkiang. This the Consular body is unable to refuse.

Receive, Sir Minister and Doyen the assurances of our distinguished consideration.

(Signed) C. Euler
Consul General for Germany
Doyen of the Consular Corps.

To,
H. E. Mr. de España
Envoy Extraordinary and Minister Plenipotentiary of Spain - Doyen of the Diplomatic Corps - Peking.

No. 316.

Shanghai, General Chamber of Commerce.

August 3rd, 1878.

Sir,

I have the honor to hand you herewith a copy of a communication from Messrs. Butterfield and Swire, dated the 1st instant respecting an order which they have received to remove their Chinkiang hulk from the position which it has occupied since 1874.

The Chamber is not in possession of the facts further than they are given in this communication, but the case seems to be in brief as follows:

1st That Messrs. Butterfield and Swire are now ordered in an arbitrary way by the Chinkiang Harbor Master to remove their Hulk from the position where some years ago they were compelled to place it by direction of the Commissioner of Customs, and where according to good English professional opinion it can do no harm to the River

River bank or otherwise.

2. That this order is never given by the Customs Officials without cause assigned, and as Messrs. Butterfield and Swire believe in opposition to the wishes of the Chinese Authorities.

Without expressing any opinion on the merits of this particular case, the Chamber is impressed with the importance of the principle involved to the general interests of foreign trade in China. While it is not only right but necessary that the Chinese Government should take active measures for the conservation or improvement of their waterways and harbors, it is manifestly expedient that the Foreign Authorities should be allowed some voice, where the acquired rights or privileges of their nationals are in question.

Such concurrent action of the foreign officials has been provided in the new rules for the conservation of the Shanghai Harbor, and it seems strange that

that the same principle should apparently have been lost sight of at Chinkiang.

The Chamber would be wanting in its duty if it failed to bring to the notice of the foreign authorities this introduction of a dangerous precedent, which if now allowed to pass unchallenged might be hereafter employed to the grave detriment of shipping interests at this port. I have therefore to ask the favor of your Excellency's consideration for the subject and to express the hope that you and your colleagues may see fit to make some representations to the High Chinese Authorities.

I have

&c

(Signed) F. B. Forbes.

Vice Chairman

To,

H. E. Señor Don Carlos de Espana

Doyen of the Diplomatic Corps.

Peking.

Shanghai,

1st August, 1878.

To,

F. B. Forbes, Esquire,

Vice Chairman — Shanghai Gen.l Chamber of Commerce.

Sir,

We have the honor to request the attention of the Chamber to the following facts, as evincing a danger to the Foreign Shipping Trade in China, which in our opinion, it is the duty of the Chamber to use its influence to avert.

In April, 1873, as Agents of the China Navigation Company Limited, — we took over at Chinkiang the Hulk — belonging to the Union Steam Navigation Company — The Hulk was then moored near the North Bank of the River. She had been there in common with all the other Hulks for some years, not because it was a convenient place, but because it was well known that there was a current against the South Bank,

and

and a strong scour caused by the current. To the repeated invitations of the Customs and the public to move her on the South Bank, the previous owners had for years been unwilling to comply, owing to the existence of this current, and we ourselves when first applied to, to take a more convenient berth on the South Bank, were afraid to do so as we were advised that the scour along that Bank would render the access of steamers and cargo boats to the Hulk difficult - However, ultimately we had to move by order of Mr. Huber, then Commissioner of Customs, and under threat of the withdrawal of facilities for the shipment and landing of cargo, we shifted the Hulk to the South Bank in 1890 and moved her in a berth indicated to us by Mr. A. Goldspink, the tide surveyor of the Port. Connections were made between the Hulk and the shore by us at considerable expense and we regarded her as moored there permanently.

In

In the course of 1875 considerable damage was done to the Chinkiang Concession Bund, from the scour alluded to as caused by the river current, and the Customs Tide surveyor Mr. Goldspink expressed an opinion, in which he was supported by several more professional people, viz:- that our Hulk had "more or less" to do with the scour and advised the removal of the Hulk "as an Experiment to see whether it was so" -

He early in 1876 ordered her out of the berth to which in 1874 he had ordered her in. -

His letter was accompanied by a very guarded opinion from the Customs Engineer that the Hulk might have something to do with the scour, and that, at any rate, her removal would shew whether she had or not. -

Being naturally unwilling to have Experiments tried at our expense by the Imperial Customs we tried to induce them to desist by obtaining -

the

the opinion of a professional Engineer Mr. Kingsmill, which shewed conclusively that the scour was the result of a current from the opposite shore and not of a Hulk floating in ten fathoms of water.

A further survey by Captain Pitman corroborated Mr. Kingsmill's report, and though the evidence adduced by these two gentlemen was allowed by the tide surveyor and the Engineers in Chief to be correct, the Customs still persisted in their orders to move the Hulk, to see whether she caused any "Eddies" or not. Further surveys were made by Captain Colomb of the "Audacious" and Captain Bridgford R.M.A. all of which went to prove that the theory of the Customs Engineer and tide surveyor was wrong, but they could not be induced to abandon their experiments. The same threats of withdrawal of facilities, by which in 1874 we were made to move from the North to the South Bank, were in 1876, put in force to make us move from the South Bank, and naturally

thinking

thinking that there must be some limit to the powers of subordinate officers of the Customs, or at least to their wanton exercise at the expense of Foreign merchants, and to the detriment of Foreign trade, we declined to move. Their threats of refusing to allow steamers to anchor alongside were carried out on the 22nd June, and for several months our steamers had to give up the Chinkiang trade, and we had to submit to a loss of upwards of Tls 40,000.-

Subsequently the permit to land and ship cargo was restored to the Hulk, but we regret to say that recently a further desire to make experiments of the effect of a small floating body on the mighty current of the Yangtze has seized the Chinkiang Customs, and we have once more been requested to move the Hulk - This time the order is given without a cause being assigned, and we have good reason to believe in

Opposition

opposition to the wishes of the Chinese Authorities.

We would point out to the Chamber that this is a matter which concerns the whole foreign carrying trade - without disputing the right which China, in common with other Sovereign States, has of domain over her rivers, a right of which she recognises the possession by systematically neglecting those navigated by foreign vessels, we would point out that the vesting of the Exercise of it in inexperienced Customs Officials, is a most dangerous step. The Foreign Customs was constituted by the Treaty Powers solely as a collectorate of Maritime Revenue and as such they have hitherto done their duty with fidelity, but for that body to assume, as it has done in the present case, the powers and functions of Hydraulic Engineers and International judges, is to go so far beyond the special province for which they were created

created as to call for, in our opinion, a vigorous protest from the Chamber of Commerce.

When the Imperial Customs has in its ranks, as its advisers, a competent staff of hydraulic Engineers skilled in fluvial formations, and when their powers as a Service have been extended by the express command of the Chinese Government with the express sanction of the ministers, it will be for us as foreign merchants to accept their dicta in such cases as the present, but until that time we should be doing less than our duty, if we did not bring to the notice of the Chamber any unwarrantable and untimely assertion of power by the Customs, calculated to injure foreign trade.

The action of the Customs at Chinkiang prejudices, it is true a British Firm only, but the power once asserted, to-morrow it may be an American or a German one. We remember with pleasure that the Chamber has ever been alive to the

solidarity

solidarity of the rights of merchants of all the Treaty Powers, and we would beg the Chamber to make a representation on this subject to the Consular Body here, or the Corps Diplomatique at Peking.

Without presuming to dictate the language of such a representation, we would beg to suggest that it should, in the interests of all, protest against the assumption of powers of such magnitude by the Foreign Maritime Customs to drive our Hulk from one berth to another, for reasons which the best professional advice obtainable states have no existence, should be discontinued; and to ask our Representatives that, if they contemplate sanctioning the extension of the sphere of the Maritime Customs, so as to include the preservation of the Sovereign Rights of China over her Navigable Rivers, they take steps at the same time, in the interests of foreign trade, and of their nationals, to prevent the arbitrary and wanton exercise of these novel powers

by

by inexperienced and irresponsible officials

We have the honor &c

(Signed) Butterfield and Swire.

No. 297.

Peking, 22nd Aout, 1878.

A, Monsieur C. Lueder

Consul General d'Allemagne et Doyen

du Corps Consulaire a

Shanghai.

Mons a f. G. + Doyen.

J'ai l'honneur de vous remettre ci joint, avec prière de la faire parvenir à la Chambre de Commerce de votre Port, la réponse au sujet de la requête de Messieurs Butterfield and Swire, relative aux mesures prises par les Autorités Chinoises à l'egard des hulk qui ces messieurs avaient dans le port de Chinkiang, qui a rang de Corps Consulaire, vous avez bien voulu me transmettre, avec votre lettre du 8 de ce mois.

Agréez Monsieur le Consul General à Doyen l'assurance de ma considération distinguée.

No. 291. Peking, 22nd August, 1878.

To

C. Lucas, Esquire

Consul General for Germany and Doyen

of the Consular Corps.

Shanghai.

Sir,

I have the honor to forward you, a note to the Chamber of Commerce at Shanghai, in response to the statement of Messrs. Butterfield and Swire, relative to the measures taken by the Chinese Authorities with respect to their Hulk at the port of Chinkiang, which at the request of the Consular Corps, you did me the favor of transmitting, with your letter of 8th. of this month.

Receive Mr. Consul General and Doyen, the assurances of my distinguished consideration.

Pekin, le 23me Aout, 1878.

A Monsieur F. B. Forbes.

Vice President de la Chambre de Commerce

de Shanghai.

Monsieur le Vice President,

En reponse a la lettre qui vous m'avez fait l'honneur de m'addresser en date du 3 de ce mois, au sujet de la communication qui a ete presentee a la chambre de commerce de Shanghai par Messieurs Butterfield & Swire à propos de l'ordre qu'ils ont reçu d'enlever du port de Chinkiang un ponton qu'ils y avaient depuis l'année 1874; - je m'empresse de porter a votre connaissance que ce cas, ayant deja été decide, d'une maniere definitive, par le gouvernement de sa Majesté Britannique, il vous a été impossible, a mes collegues et moi, de la prendre en consideration.

En outre, d'après les renseignements que Monsieur le Chargé d'affaires d'Angleterre a bien voulu nous communiquer, la demande d'enlever ce ponton, a été adressé par le Taotai local au Consul Anglais

dans

dans le dit port, et par conséquent l'action des autorités Chinoises, dans ce cas, nous nous, a un le caractère de légalité désirable

Agréez etc. —

Peking, 23rd August, 1878.

To,

F. B. Forbes, Esquire,

Vice President of the Chamber of Commerce.

Shanghai.

Mr. Vice President,

In reply to the letter which you did me the honor of addressing to me, under date of 3rd of this month, on the subject of a communication presented to the Chamber of Commerce, Shanghai, by Messrs. Butterfield and Swire, bearing on an order to remove a Hulk at the port of Chinkiang, moored since 1874. I hasten to inform you, that this case, has been definitely decided by Her Britanic Majesty's Government, therefore it is impossible for either myself or colleagues to take it into consideration.

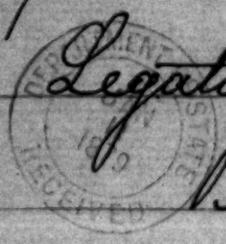
Her Britanic majesty's Chargé d'Affaires explained to me that the request to remove the furniture, was addressed by the local Taoutai to the English Consul of that port, and consequently

sequently the action taken by the Chinese Authorities in this case, has the required legal basis.

Receive ree. ree

Ack. C.P. Made

No. 67. One Enclosure.



Legation of the United States.

Peking, November 8th, 1878.

Chester Holcombe to

the Secretary of State.

Subject.

United States vessel of war to be stationed at Tientsin for the winter.

Synopsis.

Submits correspondence upon the subject named, between the Legation and Naval Authorities. Rear Admiral Patterson has directed the U. S. S. "Palos" to remain at Tientsin.

No. 67. One Enclosure.

Legation of the United States.

Peking, November 8th, 1878.

Honorable William M. Evarts.

Secretary of State.

Sir:—

I have the honor to hand 1/67.
to you, herewith, copies of a
correspondence which has passed
between this Legation and the
naval Authorities of the United
States upon this station, with
reference to the advisability of
stationing a vessel of war at
Tientsin, during the coming
winter.

From Rear Admiral
Patterson's despatch to me, dated
October

October 23rd ult, You will learn that he has directed the "Palos" to pass the winter at the port mentioned.

I have the honor to be,
Sir,
Your obedient servant.
Chester Holcombe

Enclosure.

1. Correspondence between Lieu. Holcombe and United States Naval Authorities on the Asiatic Station.

Despatch No. 67.
Enclosure.

Mr. Holcombe to Rear Admiral Patterson.

Peking, September 11th, 1878.

Sir,

I beg leave to call your attention to the desirability of having a United States vessel of war stationed at the port of Tientsin during the coming winter.

It is, as you are aware eminently advisable for the sake of the interests of our people, that the several ports in China should be visited at frequent intervals by the vessels of our Navy which may be upon this station. But from the nature of the port - Tientsin must either remain unvisited from November to March in each year, or a vessel must remain there for the period embraced between the two months named.

In my opinion there are reasons which render it exceedingly desirable that the latter alternative be adopted, and a vessel of war left in that port during the winter months. The last few years have been years of great scarcity in

all

of North China, and of the most fearful famine in several provinces, and, as a result, the winter seasons have been marked by a considerable amount of uneasiness, and many local disturbances among the common people. The native of North China, when suffering from lack of food, appears to take somewhat readily to brigandage and robbery and to regard lightly the lives or property of either Chinese or foreigners. In the winter of 1876-7 it was only by a happy accident that the foreign settlement at Tientsin was not plundered by a band of mutinous Chinese soldiers; and it is but a few years since that port was the scene of a fearful massacre which cost the lives of more than 20 foreign residents. While it is devoutly to be hoped that that event may not be repeated, it is hardly safe to assume that lack of food, hatred of foreigners, and mistaken notions as to the great wealth of foreign residents in China, may not combine to produce

similar

similar disturbances in future. Li, the able and energetic Governor General of the province resides at Tientsin only during the season of navigation, and in the winter months is at the city of Paoting fu, some four days journey from the coast. Hence in the event of any trouble his protection could not be secured until it probably would be of no avail.

I beg leave to submit this hasty statement to your consideration, with the request that, in case it meets with your views and your plans for the disposition of the fleet under your command, you would station a vessel at Tientsin during the coming winter.

I have &c &c.

(Signed) Chester Holcombe

Chargé d' Affaires

Mr. Green to Mr. Holcombe.

U. S. S. "Palos" off Base.
Tientsin, China.
October, 3rd, 1878.

Sir,

Being desirous of obtaining all the information I can on the subject, I would deem it a favor if you would give me your opinion in regard to the necessity, or advisability, of a U.S. vessel remaining at Tientsin during the coming winter, and the grounds upon which you base your opinion.

Very respectfully,
Your obt. Servant.
(Signed) Jas. G. Green
Lt. Com'd'r Com'd'g.

Mr. Holcombe to Mr. Green.

Peking, October, 10th 1878.

Sir,

Upon the 8th instant, I had the honor to receive your letter of the 3rd, in which you ask me for my "opinion in regard "to the necessity or advisability of a U. S. "Vessel remaining at Tientsin during "the coming winter", and the grounds upon which I base my opinion.

In reply, I have to say that in my opinion it is eminently advisable that a naval vessel bearing our flag should be stationed at Tientsin during the approaching winter season.

The general attitude and temper of the Chinese common people towards foreigners, seems to be, one of more or less distrust and hostility. A marked result of this attitude is found in the occasional outbreaks against foreigners which at different times have occurred in every part of China. A recent illustration of these statements may be found in the

the events of the last few weeks at Foochow, where the people declare their intention to "drive away foreigners out of the province", in spite of their own Government, and the presence of foreign vessels of war, 3 of which lie at anchor below the town.

To prevent these popular outbreaks, and to protect the persons and property of our people, is, of course, the end sought in stationing vessels of our Navy in Asiatic waters, and in causing them to visit the various ports of China at frequent intervals.

The port of Tientsin, and the province of Chihli contain natives who are, so far as I can learn, not different from the natives of other parts of China in their feelings towards foreigners. But the foreigners living in this part of the Empire are exceptionally situated in this respect, that they must either remain unprotected and at the mercy of any mob during the entire winter season, or a vessel of war, must remain in Tientsin during the

the winter, for their protection. It is during these months, too, that outbreaks amongst the Chinese are most likely to take place. For the natives feel their own poverty most then, and when suffering from lack of food and clothing they seem to take somewhat naturally to brigandage and robbery. At that time, too, the able and energetic Governor General of this province, whose presence at Tientsin during the season of navigation, gives a certain degree of protection to foreign residents, is absent some four days journey from that port.

It is, still further, a fact of which you may not be aware, that the number of Americans resident in the various cities and towns of this province, is greater than that of any other foreign nationality. While a large majority of them live beyond the range of the guns of the "Palos", yet the presence of one of our vessels of war, in Tientsin, has, I am inclined to believe a strong moral influence in securing their safety.

Their

There are many other points of minor importance which combine to lead me to the conclusion which I have already stated, but they need not be detailed here. I have already addressed Admiral Patterson, upon this subject, requesting him to station a vessel at Lientsin, in case he could do so consistently with his plans for the disposition of the fleet under his command, and I enclose a copy of my letter to him for your further information.

If it is decided that the vessel under your command winters at Lientsin, I shall be glad to be informed of the fact.

I am &c.

(Signed) Chester Holcombe

Chargé d'Affaires.

Enclosure.

1. Mr. Holcombe to Rear Admiral Patterson

September 11th, 1898.

Rear Admiral Patterson to Mr. Holcombe.

U. S. Flagship "Monocacy", 3rd Rate.
Yokohama, Japan.
October 23rd, 1878.

Sir,

I have the honour to acknowledge the receipt of your communication of September, 11th, and thank you for the information therein contained

I had already ordered the U. S. S. "Palos", Lieut. Com'd'r Green, U. S. N., Com'd'g, to remain at Tientsin during the coming winter, but trust there will be no occasion for her services.

I am,
Sir,
&c.
(Signed) F. H. Patterson
Rear Admiral.
Com'd'g U. S. Naval Force.
on Asiatic Station.

Mr Adee
Col. Morgan

No. 68. One Enclosure.

Legation of the United States.

Peking, November 12th, 1878.

Chester Holcombe to

the Secretary of State.

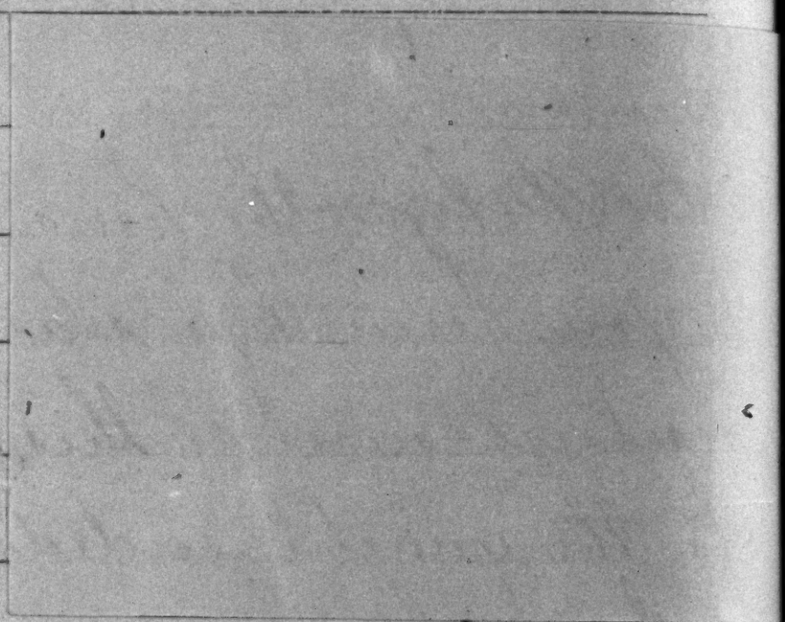
Subject.

Legation rent account.

Synopsis.

Forwards statement of the account named above, for the quarter ended September 30th, 1878., with the usual vouchers.

Col. Morgan



No. 68. One Enclosure.

Legation of the United States.

Peking, November 12th, 1878.

Honorable William M. Evarts.

Secretary of State.

Sir:

I have the honor to submit to you, herewith, a statement of the cost account of this Legation for the quarter ended September 30th, with the usual voucher. A duplicate will be forwarded by the following mail. 1/68.

I have the honor to be,

Sir,

Your obedient servant.

Chester Holcombe

Enclosure

Enclosure.

1. Statement of Legation rent account for the quarter ended September 30th/4, 1878.

File/

Ask C.R. 41 U12. made

No. 69. One Enclosure.

Legation of the United States.

Peking, November 12th, 1878.

DEPARTMENT OF STATE
JAN 11 1879
RECEIVED

FOREIGN RELATIONS 79

Chester Holcombe

to

the Secretary of State.

Subject.

Conservation of the harbor at Shanghai.

Synopsis.

Refers to Mr. Seward's despatch, number 371, and states details of correspondence had at Shanghai and Peking in regard to the enforcement of the rules. The Consular Body has proposed the extension of the area covered, to which the Chinese object, as also to the application of them to Chinese craft

craft. The Foreign Office non-committal and the result doubtful. Covers copies of correspondence.

No. 69. One Enclosure.

Legation of the United States.

Peking, November 12th, 1878.

Honorable William M. Evarts.

Secretary of State.

Sir:—

Recurring to Mr. Seward's several despatches concerning the conservation of the river and harbor at Shanghai, and more especially to his number 371, bearing date December 29th, 1877, which covered a set of rules agreed upon between the Chinese Foreign Office and the several Legations here, and having for their object the protection of the harbor named, I now have the honor to submit for your consideration copies, in French and English, of 1/69

a

a correspondence which has taken place concerning these rules, between the Consular Body and the Chinese Authorities at Shanghai, between the Consular Body and the Diplomatic Corps here, and between the last named and the Foreign Office.

From this correspondence it appears that, as provided for in the third article of the regulations in question, the Consular Body delegated certain of their number to co-operate with the Harbor Master and the Chinese Authorities in carrying the rules into effect. This delegation consisted of the Consuls for Austria, France and Great Britain. At their first meeting, held June 19th last, it was agreed to propose that the

the Harbor Master's jurisdiction be extended beyond the limits fixed in rule second, and be enforced from Woosung to the Lung hwa Pagoda. This proposition was in due course laid before the Intendant of Customs for his endorsement. While agreeing to the proposed extension of the limits down the river to Woosung, he objected to their extension up the stream to the Lung hwa Pagoda, and also to the application of the rules to what is known as the "Pootung side" of the river, opposite to the Chinese city and suburbs. It should be said that the objections of the Taotai cover those portions of the harbor which are given up mainly or exclusively

exclusively to the anchorage of Chinese junks, and his intention would seem to be to prevent the application of the rules to native shipping. After some discussion, the Intendant referred the matter at issue to the Southern Superintendent of Foreign Trade — the Viceroy at Nanking — who sustained him in his objection to the extension of the Harbor Master's jurisdiction up the river, and its application to the shore opposite the Chinese city and suburbs, and directed him also to withdraw his consent to its extension down to Woosung. Thereupon the Consular Body referred the matter to the Foreign Representatives here.

After

After consideration of the subject we requested the French Minister, as Doyen of the Diplomatic Corps, to inform the Senior Consul at Shanghai that although the proposed extension is eminently desirable, yet the moment did not seem opportune, and it would have been better to have avoided all pretext for opposition upon the part of the Chinese Authorities; and to recommend them to confine their action strictly within the terms of the provisional rules in question.

Mr. Brenier was also requested to address Prince Kung in the name of himself and his Colleagues, in order to secure the issue of instructions to the Viceroy at

Nanking

banking to carry into operation the rules as originally agreed to.

The answer of the Foreign Office is decidedly non-committal, and it is by no means certain that the local Chinese Authorities at Shanghai will consent to the enforcement of these rules upon all persons and all craft within the area originally defined.

As native shipping is responsible for a fair share of the abuses which have led to the deterioration of the harbor at Shanghai, it may be a question whether any thing practical will be gained by the application of the rules to foreign vessels, and over a portion of the specified area, unless

unless they can be enforced upon both classes alike, and without modification or exception.

Asking your approval of my action in this business,

I have the honor to be,

Sir,

Your obedient servant.

Chester Holcombe

Enclosure.

1. Correspondence concerning the Shanghai Harbor Rules.

Despatch No. 69.
Enclosure.

Kaiserlich Deutsches General Konsulat
zu
Shanghai.

Shanghai, le 16 Aout 1878.

Monsieur le Ministre et Doyen!

L'article 3 du règlement provisoire, relatif au port de Shanghai, arrêté à Pekin en 1878., charge le Corps Consulaire de nommer un comité, pour coopérer avec le Capitaine du port et des officiers Chinois à l'effet de fixer les lignes mentionnées dans le règlement. Ce comité a été formé; il consiste de messrs. les Représentants de l'Autriche-Hongrie, de la France et de la Grande Bretagne. Les démarches, faites par le comité et le Taotai, se trouvent indiquées dans une lettre que sur la demande du Corps Consulaire le Président du comité a bien voulu m'adresser en date du 10 ct.

Je

Son Excellence
Monsieur de Espana
Ministre d'Espagne
Doyen du Corps Diplomatique
Pekin.

Je me conforme aux ordres du Corps Consulaire en remettant à Votre Excellence ci joint cette lettre ainsi qu'une traduction de la correspondance dont elle parle.

Agréez, Monsieur le Ministre et Doyen, les assurances de ma très haute considération.

(Signé) C. Lueder
Consul Général d'Allemagne
Doyen du Corps Consulaire.

German Consulate General.

Shanghai, 16th August, 1878.

Sir Minister and Doyen,

The 3rd Article of the Provisional Regulations, relating to the port of Shanghai, sent from Peking in 1868, charged the Consular Body to name a committee, to co-operate with the Harbour master and native officials, in order to fix the limits mentioned in the Regulations. This committee was formed, and consisted of the Representatives of Austro-Hungary, France and Great Britain.

The action taken by the Committee and Taotai is reported by them in a letter, which at the request of the Consular Body, the Chairman of the Committee has addressed to me under date of 10th instant.

In obedience to the request of the Consular Corps, I forwarded to your Excellency the subjoined letter as well as a translation of

the

the correspondence had with the Taoutai.

Receive Sir Minister and Doyen, the assurances of my high consideration.

(Signed) C. Ruder
Consul General for Germany.
Doyen of the Consular Body.

I. & R. Austro-Hungarian Consulate General.

Shanghai, August, 15th, 1878.

Dear Sir and Colleague,

In accordance with the resolution taken at the meeting of the Consular Body on the second day of August, 1878 to give a summary of the proceedings of the Committee appointed to deliberate with the Local Authorities the Execution of the Tsungli Yamên's Regulations regarding the preservation of the Shanghai Harbor, I have the honor to report as follows:

The first meeting of the Committee was held on the 19th of June, 1878 where all the members present unanimously agreed to propose that the present limits of the Harbor Master's jurisdiction should be extended beyond the localities specified in the second article of the Tsungli-Yamên's Regulations in order to secure for them the greatest possible efficiency, and for that purpose it was proposed that the Control and Authority of the Harbor Master should be enforced in future time all over the river from Woosung up to the

Lung

Lung-hwa Pagoda.

The undersigned was decided to communicate this proposition to the Acting Taoutai with the request to procure for the same the approval of the Chinese Government.

It was further decided that in the meantime the Harbor master should survey the river and prepare the plans in reference to the line for the wharves and jetties etc., which are to be taken into deliberation as soon as the question of the future limits of the Harbor master's jurisdiction shall be decided.

On the 20th June, 1878 I communicated to the Acting Taoutai the Minutes of the meeting requesting him to endorse the resolution of the Committee in regard to the proposed extension of the Harbor Master's jurisdiction and procure for the same the approval of the Chinese Government. I also had some personal interviews with the Acting Taou-

tai -

tai discussing and demonstrating the necessity and expediency of the proposed measure.

At these occasions as well as by the Acting Taoutai's note, dated June 29th 1878, which I received in reply of the one addressed to him on June 19th 1878 - it would be seen that the Acting Taoutai although willing to adopt the Committee's opinion in regard to an extension of the Harbor Master's jurisdiction all over the River as far down as Woosung, is not only adverse to any extension of the same on the upper part of the river, but is going even so far, notwithstanding the respective decision of the Tsungli Yamên, as to object to have the Harbor Master's jurisdiction established over that part of the river, opposite the Chinese City and suburbs, where the Junks and other Chinese crafts are usually anchored, pleading that any interference with them by the Harbor Master might give rise to many difficulties.

M.

At a subsequent interview I distinctly made the Taotai understand that this objection could never be admitted by the Consular Body as according to the second paragraph of the Tsungli Yamên's Regulations where the present limits of the Harbor Master's jurisdiction are clearly defined - that part of the River opposite the Chinese City and suburbs is already placed under the control and Authority of the Harbor Master, and I also pointed out to this functionary the incompatibility of his altering a decision of the highest authority in such an arbitrary way.

In the same sense I addressed the acting Taotai in writing on the 13th of July, 1878 but much to my regret without having been able to change his opinion in regard to this point.

The acting Taotai replied to my last note the 18th day of July, 1878 admitting as before the extension of the Harbor Master's jurisdiction over the whole part of the river, North of the Bridge of the 16th -

writing

sitting — at the boundaries of the French Concession — down to Woosung, declining however not only any extension of the same on the upper part of the river, but even objecting to have the river opposite the Chinese City and suburbs — South of the Bridge of the 16th sitting — placed under the control of the Harbor Master, and therefore remains still at variance with the above quoted decision of the Tsung li-Yamên. The acting Taoutai intends to lay the question before the superintendent of the Southern Ports who according to his opinion is competent to decide the same.

I may be permitted finally to say that the correspondence which took place between myself and the Taoutai in regard to the extension of the Harbor Masters' Jurisdiction, viz: the notes I addressed to this functionary on the 20th June and 13th of July, and the replies I received on June the 29th and July 18th 1878 I had already the honor to transmit to you

in

in due time.

Yours &c.

/Signed/ Charles de Boleslawski.

I.

(Translation) I. R. Austro-Hungarian Consulate.

General, Shai June 20th, 1878.

Your Excellency,

Referring to your note of May 29th, 1878. I beg to inform you that a meeting of the committee to deliberate the execution of the Regulations drawn up by the Tsungli-Yamen regarding the conservation of the Shai Harbor was held on the 19th day of June, 1878.

It was unanimously agreed that the local authorities after a survey of the river shall make a proposition in regard to the limits of the jurisdiction to be exercised by the Harbour Master in accordance with the Rules of the Tsungli Yamên for the conservation of the Shanghai Harbor.

After the determination of the limits of the jurisdiction of the Harbor Master the lines as mentioned in Article III of the aforesaid Rules will be proposed.

It was also unanimously considered to be the most urgent necessity that at the occasion of defining the future limits of the jurisdiction of the Harbor Master

the

the same ought to be extended far beyond the existing points as well up as down the river, in order to prevent obstructions, although put up in a certain distance to endanger or deteriorate in time the fair-way of the river.

For this reason it seems to be very desirable that in the future the jurisdiction of the Harbor Master should be in force from Woosung up to Sung hwa Pagoda.

Directed by the Committee to inform your Excellency of these resolutions, the Committee trust that H. E. will indorse their opinion and procure from the Chinese Government the approbation of the same.

I have &c

(Signed) Charles de Boleslawski

His Excellency

Cha Kan Sheng

Taoutai &c &c Shanghai

II.

(Translation.)

Of a communication of the Acting Taoutai

to

to Chevalier de Boleslawski I. R. Austro Hungarian Consul:-

Cha-lau-ching

Communicates the following:-

Had the honor to receive your communication of the 20th of June regarding the meeting for deliberating the regulations of the Kungli-Yamên concerning the preservation of the Harbor of Shai; in the same is stated that there is the most urgent necessity to define the future limits of the jurisdiction of the Harbor Master, and that the same shall be extended from Woosung up to the Lung-hwa Pagoda.

On the 28th instant Had the honor to receive your call, when we again spoke of the former business.

Find that the tract of the Huang-pu river beginning from the little East gate - South of the bridge of the 16th Hong at the boundaries of the French settlement down to the mouth of Woosung is constantly occupied by foreign ships coming and going, and it is therefore a natural consequence that the

the tract in question should be under the jurisdiction of the Harbor Master. Concerning however the tract of the Huang pu river beginning south of the bridge of the 16th tithing up to the Lung-hua Pagoda there were hitherto no foreign ships anchored, and the canal is full of little boats from various places of the interior going and coming, there are moreover numerous junks; it is therefore very difficult to place this tract under the jurisdiction of the Harbor Master, it ought to be left to the District Magistrate of Shanghai to fix regulations, and to issue thereupon notices, in order that the junks and the people living on the shores of the Huang pu may unanimously obey such regulations), and a distinct line in the respective boundaries will be thus established.

Should the tract of the river south of the bridge of the 16th tithing up to the Lung hua Pagoda also be under the rule of the Harbor Master it is to be apprehended — as the

junks

junks arriving from the various places are unaware of such regulations being fixed - that great difficulties would arise therefrom.

This tract ought to remain still under the jurisdiction of the District Magistrate, who again will depute an officer who will assist (the Magistrate) in exercising the jurisdiction, thus every difficulty will be avoided - and the affair carried on in safety.

In matters regarding the construction of Wharves etc that deputy can - not being an expert in such matters - consult the Harbor-Master.

Concerning the regulations to be drawn up for the preservation of the tract of the Huang pu river North of the bridge of the 16th stiking down to the mouth of the Woosung, I beg that your Honour together with your Colleagues and the District Magistrate of Shanghai and the officers delegated, Chang and Tung, besides the Harbor Master, will take a survey, draw thereupon a plan, and make the necessary remarks thereon,

and

and

Here accordingly to draw up regulations and to send all to the Taoutai, that he may deliberate and take a decision thereon, and he may thereafter transmit the same in a report to H. E. the Superintendent of Trade of the Southern Ports and to the Governor of Foochow, and the Taoutai will then act accordingly to the reply thereon.

In this sense I wrote also to the Commissioner of Customs, to the District Magistrate and to the respective delegates.

This is a special reply.

5th Moon, 29th day: true translation

29th June, 1878.) (Signed) Joseph Haas.

III.

H. R. Austro-Hungarian Consulate General. Chai July, 13th, 1878

I have the honor to acknowledge the receipt of your note of June the 29th and in reply to your observations to the proposed extension of the Harbor Master's Jurisdiction I beg to convey your attention to the second paragraph of the Regulations regarding the Conservation of

the

the Shanghai Harbour drawn up by the Tsungli Yamên in concert with the Representatives of the Treaty powers.

According to the tenor of this paragraph the Authority and Control of the very same tract of the river — South of the bridge of the 16th sitting, which you desire to remain as heretofore under the jurisdiction of the District Magistrate is already by the Tsung li Yamên for the future accorded to the Harbor Master and therefore an alteration of this decision would be not appropriate.

The Committee with the intention to secure the greatest efficiency of the Regulations now under deliberation considered it an urgent necessity to have the Harbor Master's jurisdiction extended beyond the point enumerated in the second paragraph of the Tsungli-Yamen Regulations, and proposed for that purpose that the river from Woosung up to the Lung hwa Pagoda should be placed in the future under the Control of the Harbor Master.

I can only repeat my request that

Your

your Excellency may be pleased to procure for this proposition the approval of the Chinese Government, and I beg further to say that in the meantime the Harbour Master will prepare the plans in reference to the line to be fixed for the wharves jetties etc. which after due deliberation will be submitted by the committee to the Consular Body for further action.

I have &c —

(Signed) Charles de Bolcslawski.

His Excellency
Chou Lan Sheng
Taoutai etc etc etc Shanghai.

Translation

of a communication of the Acting Taoutai Chou-lang Seng to the Austro Hungarian Consul Chevalier de Bolcslawski:

On the 15th instant, I had the honor to receive your communication in regard to the proposed regulations for the preservation of the Harbor of Shanghai, and that the jurisdiction of the Harbor Master shall extend from Woosung up to the Lung hwa Pagoda

Pagoda, you further requested me to procure the approval of the High Authorities to this proposition.

Concerning this point I find that (the tract of the river) North of the bridge of the 18th lithing down to Yang shoo-poo (boundary of the American settlement and the water road down to the mouth of the Woosung was according to the rule hitherto existing under the control of the Harbor Master.

When I had the pleasure of seeing you on the 12th inst. I called your attention to this point.

Your letter of the 15th inst. speaks still of the boundaries from Woosung up to Lung hwa Pagoda.

The limits of every harbor of the southern treaty ports were hitherto always fixed according to the real state of circumstances by the Superintendent of Trade for the Southern ports.

As your Honor's suggestion is not in accord with mine, I petitioned thereupon to the Superintendent of Trade for the Southern ports - then and I shall act according to his decision. As soon as I have his decision thereupon I shall communicate the same to you

6th moon, 19th day. True translation.

(18th July, 1878) (Signed) Joseph Haas.

Shanghai le 26 Août, 1878.

Monsieur le Ministre et Doyen!

Le Corps Consulaire de Shanghai a l'honneur, de remettre au Corps Diplomatique à Peking ci-joint copie et traduction d'une troisième dépêche, que le Taotai de Shanghai a addressé à Monsieur de Bolesławski à propos du règlement provisoire, relatif au port de Shanghai.

Les deux parties de la rivière, placées jusqu'à présent sous les ordres du Capitaine du Port, sont indiquées sur le plan ci-joint près de Shanghai par II et près de Wusung par deux lignes rouges.

Le rayon, soumis au contrôle du Capitaine du Port, a été étendu par l'article 2 du règlement provisoire sur la partie du fleuve, qui, marquée sur le plan avec III, longe la ville Chinoise et ses faubourgs.

De

Le Comité du Corps Consulaire, le Capitaine du Port et les deux délégués Chinois du Taotai ont recommandé en plus l'extension du règlement provisoire aux parties de la rivière, indiquées sur le plan par I et IV.

Le Gouverneur Général à Nanking s'est opposé à toute extension du rayon actuel, contestant même, que l'article 2 du règlement provisoire ait placé la partie III sous les ordres du Capitaine du Port.

Le Corps Consulaire se permet, de signaler au Corp Diplomatique, qu'il serait d'un avantage essential, si l'article 2 du reglement, qui soumet la partie III au contrôle du Capitaine du Port, pourrait être mise en éxécution. Pour arriver à ce but, il sera indispensable, que le Tsung li Yamên fasse parvenir des instructions nouvelles au Gouverneur Général a Nanking.

Quant à l'extension du règlement

ment provisoire sur les parties I et IV du fleuve, le Corps Consulaire, tout en la reconnaissant comme très-désirable, a l'honneur, de recommander cette question a la considération bien veillante du Corps Diplomatique à Peking.

Agréez, Monsieur le Ministre et Doyen, les assurances de ma très haute considération

(Signé) C. Rueder
Consul Général d'Allemagne
Doyen du Corps Consulaire

Son Excellence
Monsieur de España.
Envoyé Extraordinaire et Ministre
Plenipotentiaire d'Espagne
Doyen du Corps Diplomatique
Peking

Shanghai, 26th August 1878.

Sir Minister and Doyen!

The Consular Corps of Shanghai, has the honour to forward to the Diplomatic Corps at Peking, the subjoined copy and translation of a third despatch, which the Taotai of Shanghai, has addressed Mr de Boleslawsky, on the subject of the Provisional Rules, relating to the port of Shanghai.

The two parts of the river, placed at present under the orders of the Harbour Master, are indicated on the plan subjoined, near to Shanghai by II and near to Woosung by two red lines.

The region under the control of the Harbour Master, has been extended by article 2 of the Provisional Rules over that part of the river, which, is marked on the plan with III, along the Chinese City and its suburbs.

The Committee of the Consular Corps, the Harbour Master and the two Chinese deputed by the Taotai

have

have moreover recommended the extension of the Provisional Rules over those portions of the river, marked on the plan by I and IV.

The Governor General at Nanking is opposed to any extension of the present radius, and answers me, that the 2 Article of the Provisional Rules has not placed part III under the orders of the Harbour master.

The Consular Corps cannot help, but indicate to the Diplomatic Corps, that it would be an essential advantage if the 2 article, which places part III under control of the Harbour master could be put into execution. To do this, it is indespensible, that the Tsung-li-yamin should renew their instructions to the Governor General at Nanking.

As to the extension of this provisional Rules over the parts I and IV of the river, the Consular Corps, well know its desirability, and has

the

the honour to commend this question to the kind consideration of the Diplomatic Corps at Peking.

Receive, Sir Minister and Doyen, the assurances of my high consideration.

(Signed) C. Ruder
Consul General for Germany
and Doyen of the Consular Corps.

To,
H. E.
Mr. de Espana:
E. E. and Minister Plenipotiy for
Spain
Doyen of the Diplomatic Corps
Peking.

Translation.

Of a Despatch from the acting Taotai Chia to the Austro-Hungarian Consul Chevalier de Bolesławski.

Chia etc.

makes the following communication: On the 13th day of the 7th moon, the 4th year of Kuang-hsü (11th August, 1878) I had the honor to receive from the Superintendent of Trade for the Southern Ports, N. E. Shen, the decision upon my report, which I made according to orders received with regard to the regulations for the conservation of the Harbor of Shanghai and to the deliberations which took place concerning the limits of the Kuang fen for the jurisdiction of the Harbour Master.

According to this decision received the very first important matter is the firm maintenance of the old limits.

In the careful translation of the definement of the foreign settlements of

Shanghai

Shanghai the Southern limit goes just to the end of the French, and the Northern limit just to the end of the American settlement, — a fact known to both, — Chinese and foreigners.

The meaning of the second paragraph of the Inspector General, Mr. Hart's proposed regulations is, that the Harbor Master's jurisdiction goes over that part of the river which is within the settlements, and nothing is contained therein of the part south of the bridge of the 16th tishing, also nothing of Wusung this — is quite clear.

What is moreover therein contained about the part of the river opposite of the city wall, of the Chinese Custom House, of the suburbs, and the foreign settlements, as well the part of the Hongkew creek — between the settlements, point specially out the limits of the Eastern and Western shore of the Huang-pu, the Huang-pu river within the settlements has on its western shore the District city the Foreign

Custom

Custom House and the Hongkew Creek, on its Eastern shore only open country and villages - To the South and North the limits are clearly defined by those of the foreign settlements. — and it is unnecessary to lose more words about it.

Moreover in the same paragraph the foreign settlements are twice mentioned, and their meaning is very clear; the passage: - to that part of the Hongkew Creek .. - denotes also clearly that thereby the part of the River between the settlements is meant, therefore the jurisdiction cannot go beyond the settlements. Generally speaking the western boundary of the settlements ends at the bridge of the Hongkew village which for this reason is also generally comprised amongst the limits of the Harbour.

Now the Consular Body desire to have extended the limits towards the South and North for together several

tens

tens of li, which however does really not agree with the regulations of the foreign settlements.

Moreover, in the first paragraph of the regulations for anchorage of the 2nd year of Tung chih there is contained, that the places for anchorage have been fixed within the settlements, — and this refers to the old regulations of the settlements, it is therefore evident, that beyond the settlements no foreign ships can anchor, load or discharge cargo, — such places could not have been assigned to this purpose by the Harbour Master,

The Taotai by not assigning the south of the settlements to the jurisdiction of the Harbor Master did very properly, he agreed however, on the other side, that the North of the settlements should be extended for over 20 li, and this was not correct, he ought to have ascertained the old limits of the settlements in the south

and

and north, and thereupon deliberate the question, and act with correctness.

As soon as the matter is deliberated and fixed the Harbor Master has to draw up an accurate plan of the limits of the river under his jurisdiction, that it may be placed in record, for further references.

According to these instructions it has to be acted promptly and further reports to be made.

These the contents of the despatch received from the Superintendent of Trade which the Taotai already communicated to the Commissioner of Customs, that he may there upon order the Harbor Master to act accordingly.

I feel myself in duty bound to communicate the same to your Honor and beg of you to further communicate it to the whole Consular Body, that they may act accordingly.

Kuang Hsü, 4th year, 7th moon, 17th day.

15th August, 1878)

Translated by

(Signed) Joseph Haas.

Légation de France.
en Chine.

Pe King, le 16 Octobre, 1878.

L. L. E. E.

Messieurs :

Elmore, Ministre du Pérou.
Fraser, Chargé d'affaires de S. M. B.
Koyander, Chargé d'affaires de S. M.
l'Empereur de toutes les Russies.
Baron Schenck, Chargé d'affaires de S. M.
l'Empereur d'Allemagne.
Holcombe, Chargé d'Affaires des Etats
Unis d'Amérique.

Prière d'indiquer tous les changements à faire sur les pièces ci-jointes, ou d'approuver en signant.

(Sig) Tte. Premier Montmorand.

Pekin, le 12 Octobre, 1878.

A Mons.r Rudeu, Consul Général d'Allemagne et doyen du Corps-Consulaire à Shanghai.

Monsieur le Consul Général et Doyen.

La veille de son départ pour Shanghai, M.r d'Espagna m'a remis, avec votre lettre du 26 Août dernier, les divers documents relatifs à l'arrangement conclu à Pekin entre le Corps Diplomatique et le Tsong-li-Yamun, relativement au port de Shanghai. A cette époque, quelques uns de nos collègues étant encore dans leurs temples, et son Excellence le Ministre des Pesos, n'ayant pas encore eu connaissance des pièces en question, il me fut impossible de prendre les avis de chacun d'eux sur cette question. Ce sont ces diverses circonstances qui ont causé le retard de la réponse que je suis chargé de vous transmettre en ma qualité toute provisoire de

du doyen du Corps Diplomatique à Pékin.

Si nous avons bien compris la lettre que vous écriviez le 26 Août à Son Excellence Monsieur d'España et qui avait pour annexe la traduction en copie d'une troisième dépêche, que le Tao-tai de Shanghai a addressée à Monsieur Boleslawski, à propos du réglement provisoire relatif au pont de Shanghai, le gouverneur général à Nankin s'est opposé, non-seulement à l'execution de l'Article 2. du réglement provisoire sur la partie du fleuve qui longe la ville chinoise, ainsi que ses faubourgs et qui est marquée sur le plan que vous avez bien voulu adresser au doyen du Corps diplomatique, sous le No. III, mais il a contesté de plus que l'article 2. du réglement provisoire qui place cette partie III. sous les ordres du capitaine de port.

Cet Article 2. etant parfaitement clair et précis, le corps diplomatique a, d'un avis unanime, addressé une note verbale au Tsung-li-Yamen pour le prier d'inviter

d'inviter le Vice-roi de Nankin a res-
pecter et à faire executer le reglement,
que son Altesse Imperiale le Prince-
Kong, par sa lettre du 31 janvier 1878,
nous a proposé de ratifier, si nous
l'approuvions.

Quant à l'extension du reglement
provisoire aux parties I et IV du fleuve,
le corps diplomatique pense que le corps
Consulaire de Shanghai eût peut-être
agi plus correctement et aurait évité
tout prétexte d'opposition, de la part de
l'autorité chinoise, s'il n'avait pas,
dans un but que le corps diplomatique
s'empresse, d'ailleurs, de reconnaître
comme très-désirable, cherché à étendre
le réglement provisoire aux les parties
de la riviere, indiquées sur le plan
par les numéros I et IV. Il croit devoir,
en conséquence, recommender au corps
consulaire de Shanghai de vouloir bien
se renfermer strictement, pour le moment,
dans les termes du réglement provisoire en
question.

Veuillez

Veuillez agréer, Monsieur le Consul Général et doyen, l'assurance de ma considération la plus distinguée.

Le ministre de France en Chine et Doyen du Corps Diplomatique.

Peking, 12th October, 1878.

To Mr. Luder, Consul General for Germany and chief of the Consular Body - Shanghai.

Previous to his departure for Shanghai Mr. de Espana handed me your letter of 26th August, ult° with various documents relating to an arrangement concluded in Peking between the Diplomatic corps and the Tsung li yamên relative to the port of Shanghai.

At this time, all my colleagues were absent staying at their temples, and H.E. the Peruvian Minister, knew nothing of the matter at issue, so it was impossible to ascertain the views of any of my colleagues on the subject. It is these untoward circumstances that has caused the delay in making the answer which as temporary chief of the Diplomatic Body in Peking, I am charged to make.

If we have well understood your letter of the 26th August to H.E. Mr. de Espana, and to which was annexed

a

a translation of a third copy of despatch which the Shanghai Taoutai had addressed to Mr. Boleslawski concerning provisional rules, relating to the port of Shanghai.

The Governor General at Nanking is opposed not only to the execution of Art. 2. of the provisional rules, above that part of the river opposite the Chinese city, and suburbs, and which is marked on the plan which you addressed the Chief of the Diplomatic Body, as No III., but he also objects entirely to Article 2 of provisional rules, which places this portion III under the orders of the Harbor Master.

This article 2. being perfectly clear and precise, the diplomatic corps have unanimously addressed a verbal note to the Tsung li Yamên with the request that the Yamên insist that the Viceroy at Nanking should respect and execute this rule, which H.I.H. Prince Kung, by his letter of 31st. January, 1878. proposed to ratify, if we approved.

M

In regard to the Extension of the provisional rules over the parts I to IV., the Diplomatic Corps is of opinion that the Consular Body at Shanghai, would have done better and avoided all pretext for opposition on the part of the Chinese Authorities, if they had not sought to accomplish, what the Diplomatic Corps, itself recognizes as eminently desirable (i.e.) the Extension of the rules in question over the parts I to IV. It seems desirable therefore to recommend that the Consular Body at Shanghai should, for the moment, confine their action strictly within the terms of the provisional rules in question.

Please accept, Sir,
the assurance of my most distinguished consideration.

To the,
Minister for France in China
and, Doyen of the Diplomatic Corps.

Pekin, le 16 Octobre, 1878.

A Son Altesse Impériale Monseigneur le Prince Kong et a Leurs Excellences les Membres du Tsong-li-Yamen.

Le 31 janvier 1878, son Altesse Impériale le Prince Kong fit l'honneur au Corps Diplomatique de Pekin d'adresser à chacun de ses Membres une lettre qui avait pour annexe un reglement provisoire, proposé par Monsieur Hart, Inspecteur Général des douanes Chinoises, et qui était relatif au port de Shanghai. La lettre de son Altesse Impériale se terminait ainsi:

"Telle est la communication que nous "avons reçue de Monsieur Hart; tout ce "qu'il dit a pour but évident la conserva- "tion des rives du port de Shanghai et cela "dans l'intérêt general du commerce et des "negociants.

"Nous croyons devoir vous envoyer "copie du réglement dont il est parlé, et "vous prions Votre Excellence de la commu-

"nique

"nique si Elle l'approuve aux Consuls de sa
"Nation afin qu'ils le prennent en considération.
"Nous espérons une réponse de Votre Excellence."

Chacun de nous adressa à Son Altesse Impériale la réponse demandée et dans laquelle après avoir approuvé le réglement provisoire en question, nous informions le Prince Kong que nous avions communiqué le dit réglement à nos Consuls, et les invitant à s'y conformer.

Toutefois le Corps Diplomatique a le regret d'informer Son Altesse Impériale et Leurs Excellences que, d'après les rapports que nos consuls de Shanghai nous ont adressés depuis plusieurs mois, il résulte que son Excellence le Vice-roi de Nankin conteste, que, d'après l'art. 2. du réglement provisoire, la partie de la rivière située en face de la ville Chinoise ainsi que de ses faubourgs, soit placée sous l'autorité et le contrôle du Capitaine de port. Or les termes de cet Article 2. ne peuvent donner lieu à aucune interprétation et nous demandons à Votre Altesse Impériale et à Leurs Excellences

la

la permission de les reproduire ici.

"Article 2. L'autorité et le
"contrôle que pourra exercer le Capitaine
"du port s'étendront, tels qu'ils sont définis
"dans le présent réglement, sur cette partie
"de la rivière que fait face à la ville Chi-
"oise, ses faubourgs, les concessions étrangères,
"et sur la partie de la Crique de Soutchéou
"comprise entre les dites concessions."

Le Corps Diplomatique vient en
conséquence prier Son Altesse Impériale
et Leurs Excellences de vouloir bien in-
viter le Vice-roi de Nankin à respecter
le reglement provisoire proposé au corps
Diplomatique de Pekin par le Prince Kong
lui même.

Peking, 16th October 1878.

To H. I. H. Prince Kung and their Excellencies the Members of the Tsung-li-Yamên.

On the 31st January, 1878, Your Imperial Highness Prince Kung - - honored Each member of the Diplomatic Body with a letter containing certain provisional rules, proposed by Mr. Hart, Inspector General of Imperial Maritime Customs, relating to the port of Shanghai.

The letter of your Imperial Highness ended thus: -

"This is the communication which "we have received from Mr. Hart: all "of which has for its object the conserva-"tion of the river and the port of Shang-"hai, is for general interest of commerce "and merchants"

I Inclose a copy of rules mentioned of, and pray Y.E. to communicate if it be approved by you, to the

Consuls

Consuls of your nation to the end that they may be obeyed. I wait a reply from you Your Excellency.

We severally addressed replies to H. I. H. observing the provisional rules in question, and we informed H. I. H. that we had communicated these rules to our Consuls, and instructed to conform themselves to them.

The Diplomatic Corps deeply regret to inform Y. I. H. and Y. E.'s that, according to the reports we have received from our Consuls at Shanghai, who have addressed us after some months, it results, that H. E. the Viceroy at Nankin objects, as required by Art. 2. of the provisional rule to placing the part of the river situated in face of the Chinese City and its suburbs under the authority and control of the Harbour Master. The terms of Art. 2. bear but one interpretation and we request from Y. I. H. and Y. E.'s permission to reproduce it.

"Article 2. The authority and

Control

"control that the Harbour master can
"exercise can be extended, and it is defined
"by the present rule, to extend over that
"part of the river, that faces the Chinese City,
"its suburbs, the foreign Concession, and
"the Soochow Creek Embraced in these
"concessions."

The Diplomatic Corps therefore beg that H. I. H. and H. E's will instruct the Viceroy at Nanking to respect this provisional rule, as proposed to the Diplomatic Corps at Peking by Your Imperial Highness.

Memorandum addressé par le Yamên en réponse a celui qui lui a été remis le 19 Oct. 1878.

Peking, le 22 Oct. 1878.

Reproduction du memorandum.

Il est évident que dans toutes les dispositions de ce règlement, ce sont les intérêts du port de Shanghai et de ses rives dont il s'agit; ainsi, bien qu'elles aient été mises en vigueur, restent-elles encore susceptibles d'être modifiées, si, dans l'application, elles rencontrent le moindre obstacle local.

Nous avons reçu du Surintendant du Commerce du Nord et du Sud, le résumé des entretiens que le Taotai de la Douane et tous les Consuls ont eu entre eux à ce sujet. Ils ne sont pas tombés d'accord.

Nous en avons donc écrit à l'Inspecteur Général des Douanes, en lui faisant connaître dans ses annotations les modifications à apporter au règlement.

Il

L'Inspecteur Général intérimaire nous a répondu seulement que l'interprétation donnée par les Consuls à l'Art. II outrepassait les limites fixées par le règlement.

Nous avons invités les deux Ruriniens dans à s'efforcer d'arranger les choses pour le mieux, a fin de rendre ce règlement susceptible d'une application perpétuelle.

Pour traduction conforme
(Signé) A. Dévéria.

Memorandum from the Tsung-li-Yamên in response to a communication, received 19th October, 1878.

Peking, 22nd October, 1878.

Translation of Memorandum.

It is evident that in all the stipulations of these rules, the interests of the port and approaches of Shanghai are kept in view, but that they are no doubt susceptable of some modification, if, on rigorous application any local obstacles are met with.

We have received from the Northern and Southern Superintendants of Trade, a resumé of the discussion which the Intendant of Customs and the several Consuls have had on the subject. They are not at all of the same opinion.

We have written to the Inspector General of Customs, in order that he might make his comments upon the proposed modifications to the rules.

The Inspector General advises

us to reply negatively to the interpretation given by the Consuls to Art. II. as overstepping the limits fixed by the regulations.

We have instructed the Two Superintendants to reach some definite arrangement, whereby the rule may become susceptable of perpetual application.

True translation.

(Signed) A. Devéria.

A. L. L. E. E. Messieurs les Membres
du Tsong-li-Yamên.

Pekin, le 23rd Oct. 78.

Le Doyen du Corps Diplomatique
a l'honneur d'accuser réception au
Yamun du Memorandum qu'il lui a
adressé hier, en réponse à celui
qu'il lui avait fait remettre par Mr.
Devéria le 19 de ce mois, et il s'est
empressé de la communiquer aux
autres Membres du Corps Diplomatique,
qui le chargent d'adresser au Tsong-li-
Yamen les observations suivants.

Le Corps Diplomatique n'a jamais
demandé l'Extension de l'Art. 2. du
Reglement provisoire, proposé à son
adoption par Son Altesse Impériale
le Prince Kong, et il a expressément ré-
clamé l'Execution de l'Art. 2. dudit
Règlement, en ayant soin de la reproduire dans son Entier, à fin d'éviter
toute équivoque.

Quant

Quant à l'opinion, émise par Mr. l'Inspecteur Général intérimaire des Douanes, et que le Yamen veut bien porter à notre connaissance, cet agent du Gouvernement Chinois, s'il avait été mieux informé, n'aurait pas manqué de faire savoir au Yamen que le Doyen du Corps Diplomatique au nom de ses Collègues, avait, dès les premiers jours de ce mois, addressé au Consul Général d'Allemagne, Doyen du Corps Consulaire de Shanghai, l'invitation de se renfermer strictement dans les termes et les limites fixés par l'Art 2 du Règlement provisoire en question.

Le Doyen du Corps Diplomatique a, en conséquence, l'honneur de prier de nouveau le Tsung-li-Yamen, en son nom, comme en celui de tous les membres du Corps Diplomatique de Pekin, d'inviter le Vicroy de Nankin, à faire exécuter le Reglement provisoire, proposé au Corps Diplomatique de Pekin par Son Altesse Impériale le Prince Kung.

To H. I. H. H. The Members of the Foreign Board.

Peking, 23rd October, 1878.

The Doyen of the Diplomatic Body has the honour to acknowledge receipt of the Yamins Memorandum sent him yesterday, in response to one forwarded on the 19th of this month by Mr. Devéria, and he is requested by the several members of the Diplomatic Body to address the following remarks to the Foreign Board.

The Diplomatic Body has not requested the extension of Art. 2. of the Provisional Regulation proposed to be adopted by H. I. H. Prince Kung, but simply claim the execution of the 2 Art. of this regulation, which was produced in its intirity, in order to avoid all misconception.

Regarding the opinion of the Acting Inspector General of Customs, transmitted to us by the Foreign Board, there remains but to inform the Yamin, that had this agent of the Chinese Government been

better

better informed he would have known that the Doyen of the Diplomatic Body in the name of his colleagues had, in the early part of the month, addressed the Consul General for Germany, Doyen of the Consular Body at Shanghai, requesting him to conform strictly to the terms and limitations fixed by the 2 Art. of the Provisional Rules in question.

The Doyen of the Diplomatic Body has therefore again the honor to pray in his own name as well as in those of his colleagues of the Diplomatic Corps in Peking that the Tsung li Yamên will instruct the Viceroy at Nanking, to execute the Provisional Rules, as proposed to the Diplomatic Corps at Peking by H. I. H. Prince Kung.

Corée.

Le Tsong-li-yamen au Ministre de France.

Pékin, le 29 Octobre, 1878.

Le 24 Octobre, nous avons reçu votre lettre à laquelle était annexé un mémorandum signé des divers Représentants résidant à Pékin.

Nous en avons immédiatement pris connaissance quant à la demande qui nous est réitérée d'inviter le Vice-Roi des deux Kiang à se conformer au règlement ci, nous y avions déjà répondu dans notre mémorandum; aussi serait-il superflu d'en reparler ici.

Nous faisons parvenir au Vice-Roi les deux mémorandums collectifs en lui disant d'y prêter son attention. D'autre part, nous prions V. Exc. de vouloir bien communiquer la présente au Corps Diplomatique.

Veuillez agréer &c.

Pour traduction conforme.

(signé) Dévéria

The Tsung-li-Yamën to the French Minister.

Peking, October, 29th, 1878.

On the 24th of October, we received your letter to which was annexed a memorandum signed by the various Foreign Representives resident at Peking.

We have immediately taken note of it.

As regards the request therein made to us again to instruct the Viceroy of the two Kiang to conform to the Regulations &c., we had already replied to it in our memorandum, so that it is superfluous to refer to it again here.

We are forwarding to the Viceroy your two collective memoranda, telling him to lend his attention to them.

On the other hand, we beg H. E. to please communicate the present note to the Diplomatic Body.

We have &c.

A true translation
(Signed) Véverka.

Ans. Jan. 17. 1879
Mr Polk.

Ask + send
C.P.

Wade

Vol. 1

No. 70.

Legation of the United States.

Peking, November 15th, 1878.

Chester Holcombe to

the Secretary of State.

Subject.

Request for Consular Regulations, etc.

Synopsis

Asks to be supplied with 2 copies of the latest edition of the Consular Regulations, and one copy of Consular Instructions to Diplomatic Agents.

No. 70.

Legation of the United States.

Peking, November 15th, 1878.

Honorable William M. Evarts.

Secretary of State.

Sir:—

I have the honor to request that the Department will furnish this Legation with, at least, two copies of the latest edition of the "United States Consular Regulations." There is but a single copy now in my hands, and that is an old edition — 1870. — borrowed from the Consulate General.

It would also oblige me greatly if a copy of the last issue of "Personal Instructions to the Diplomatic

"Diplomatic Representatives of the
"United States in Foreign Countries"
could be furnished me. Mr.
Seward seems to have taken his
copy with him.

I have the honor to be,
Sir,
Your obedient servant.
Chester Holcombe

Act's Forms will be sent as requested. Feb. 10. '79 Mr. Pell

Ack - comply made

No. 71.

Legation of the United States.

Peking, November 15th, 1878.

Chester Holcombe to

the Secretary of State.

Subject.

Request for passport forms.

Subject

Asks to be supplied with fifty blank passports.

No. 71.

Legation of the United States.

Peking, November 15th, 1878.

Honorable William M. Evarts.

Secretary of State.

Sir:—

I have the honor to request that a number of blank passports—say fifty—be forwarded to this Legation.

The last supply received came with Mr. Fish's instruction, number 200, of December 9th, 1874, to Mr. Williams, and is nearly exhausted.

I have the honor to be,

Sir, Your obedient servant

Chester Holcombe

4

Rec'd Jan 16. 1879, & forwarded to Mr Polk.

Ask approval C. P.

Mr Adee
Mr Wood

No. 72. Three Enclosures.

Legation of the United States.

Peking, November 18th, 1878.

Chester Holcombe to

the Secretary of State.

Subject.

Swatow Consular Agency.

Dec 1878

Synopsis.

Mr. Lincoln informs Mr. Holcombe that the Amoy Consul declines to recognize the appointment of Mr. Consular Agent Williams by the Legation, for reasons stated. Mr. Holcombe has informed Mr. Henderson that his course is not justified, and has requested him to refrain from

from assuming to exercise further control over the Agency. He has also requested Gov. Lincoln to instruct Gov. Williams to proceed with his duties. The approval of the Department asked for.

No. 72. Three Enclosures.

Legation of the United States.

Peking, November 18th, 1878.

Honorable William M. Evarts.

Secretary of State.

Sir:—

Recurring to the previous correspondence between the Department and this Legation relative to the transfer of the Swatow Consular Agency from the jurisdiction of the Consul at Amoy to the Consul at Canton, and, more particularly, to my despatch, number 47, of September 13th, in which I informed the Department that I had given a temporary appointment as Consular Agent

Agent to Hon. Colin C. Williams,

I now have the honor to hand to
1/72. you a copy of a despatch received
from Hon. Lincoln covering certain
correspondence which has occurred
between him and Hon. Henderson,
in relation to Hon. Williams'
appointment. The enclosures to
Hon. Henderson's despatch to Hon.
Lincoln, consist of Hon. Henderson's
despatch to the Department, number
175, of April 3rd last, and the
Department's instruction in response,
number 83. of June 5th. These I do
not enclose.

It seems that the Consul
at Amoy declined to recognize my
appointment of Hon. Williams, on the
ground that your instruction

named

named above directed him to
"continue to exercise control over the
"Agency until such time as Mr. Lincoln
"shall nominate, and the Department
"appoint some suitable person to
"take charge of it."

I have addressed an instruction
to Mr. Henderson, of which I enclose 2/72
a copy, and in which I state that,
in my opinion, the Department's
instruction was routine in its
character, and was not intended to
intimate that, in this particular case,
the Government desired to withhold
from its Diplomatic representative
in China the authority vested in
him to make temporary appointment
of Consular Officers, whenever, in
his judgment, the circumstances

call

call for such action. After reciting the steps taken by me in the proper course, to complete the transfer of the Swatow Agency to the control of the Consul at Canton, I have requested Mr. Henderson to refrain from the exercise of any further control over the Agency, and to furnish Mr. Lincoln with a list of the archives and Government property. My despatch also indicates the proper readjustment of the Consular districts affected by the transfer.

3/72 I have also advised Mr. Lincoln to apply again for the list of the archives and Government property at Swatow, and to direct Mr. Williams to proceed with the

duties

duties of his office.

In respect to the last clause of the Canton Consul's despatch to me, in which he expresses an opinion that there should be a full Consul at Swatow, if not with full salary, at least one with permission to trade, I may say that I entirely agree with the view which Mr. Bailey informs me he has expressed to the Department, that the present is not an opportune moment to propose the re-establishment of the Swatow Consulate. Still less does it seem to me wise to increase the number of trading Consuls in China.

I beg most respectfully

for

for your approval of my course in this business.

I have the honor to be,

Sir,

Your obedient servant.

Chester Holcombe

Enclosures.

1. Hon. Lincoln to Hon. Holcombe. No. 16. October 22nd, 1878.
2. Hon. Holcombe to Hon. Henderson. No. 61. November 18th, 1878.
3. Hon. Holcombe to Hon. Lincoln. No. 46. November 18th, 1878.

Copy. Despatch No. 72
Enclosure 1.

U. S. Consulate

No. 16. Canton Oct.r 22.d 1878

Chester Holcombe, Esq.,
U. S. Chargé d'Affairs.
Peking.

Sir:—

I have the honor to state that on receipt of your dispatch covering certificate of appointment of Mr. Williams as Consular Agent at Swatow, I forwarded copy of same and original certificate to him — as per copy of my dispatch herewith. I also notified Consul Henderson of the appointment — as per copy enclosed.

Acting Consular Agent Gregory, it seems, on presentation of the Certificate of appointment turned over charge, to Mr. Williams.

I am now in receipt of a communication from Mr. Henderson (copy herewith) from the tenor of which I conclude he proposes to ignore your appointment and very likely will

decline to recognize Mr. Williams as Consular Agent as he seems disposed not to relinquish his supervision over the Agency until directed to do so by the Department. —

He may be technically correct in his action as his instructions are it seems, "to contrive control until Mr. Lincoln nominates and the Department appoints some suitable person &c. &c." I regret his having taken this view as it very unnecessarily complicates matters. —

From his letter on the subject to the Department (copy enclosed) you will observe he did not coincide with Minister Seward's views as expressed in a dispatch to him to which he refers. As he says to the Department, "I shall continue control &c. until Mr. Lincoln nominates and the Department appoints &c." — Among other reasons for declining to turn over charge on the appointment of an Agent by Mr. Seward — he says — "and the

questions that would arise as to Mr. Lincoln's jurisdiction as a judicial officer at Swatow &c. &c." Did such questions arise when he assumed control over the Agency?— Why now more than at that time?—

I am certainly am not desirous of assuming supervision over the Swatow Agency as my dispatch No. 11 to Minister Seward will show.—

In my opinion, there should be a full Consul at Swatow, if not with a salary equal to that of other Consuls in China, one with permission to transact business would serve the interests of Americans far better than can an Agent when the Consul under whose supervision he acts, resides at so great a distance.— Swatow now, ranks 5th as to Commercial importance with the other ports of China,— having risen from the 7th grade as evinced by Customs Returns within the past two years.—

I have

I have the honor to be,
Sir,
Your obed.t Servant
(Signed) C.P. Lincoln,
U.S. Consul.

Enclosures:-

1.st - Copy of my despatch to Mr. Williams
2. - " " " " " Consul Henderson
3. - " " Consul Henderson's desp.ch + enclosures
4. - " " my reply to Consul Henderson

Copy.

U.S. Consulate at

No. 506. Canton 30th September 1878.

Colin C. Williams, Esq.,

Swatow

Sir -

I hand you herewith, your appointment as Consular Agent at Swatow, by Mr. Holcombe, Acting U. S. Minister at Peking, also copy of his despatch transmitting same to this office.

On presentation of your appointment to acting U.S. Consular Agent Gregory, he will doubtless turn over charge to you.

I presume Consul Henderson has been notified of your appointment, by the Legation. I shall write him however, to-day, and also notify His Excellency the Viceroy.

You will furnish me with the chinese characters used to represent your name, at your earliest convenience.

Your attention is epecially called to that portion of Mr. Holcombe's letter regarding the non judicial functions.

of Consular Agents and that as such officer, it would not be proper for you to deal with issues in which you are personally interested, such matters should be referred to this office.

I am,

Sir,

Your obedient servant

(signed) C. P. Lincoln,

U.S. Consul.

Enclosures:—

No. 1.— Commission as Consular Agent.

" 2.— Copy of letter from Legation.

Copy.

U.S. Consulate at
No. 507. Canton, 30th Sept. 1878.

J. J. Henderson, Esq.,
U.S. Consul
Amoy.

Sir -

I have the honor to inform you that pursuant to the suggestion of H.E. W. Seward and yourself to Department of State, that the Consular Agency at Swatow be transferred from the jurisdiction of the Amoy Consulate of that of this office, I was instructed to nominate a Consular Agent and advised that you had been directed to retain charge of the Agency, until the person nominated by me should be appointed.

I have now to inform you that such appointment has been made, as per enclosed copy of Commission.

Will you therefore be so good as to notify the present incumbent (Mr. Gregory) and direct him to turn over charge to the new appointee, if he has

not already done so, also send me a list of the Archives and Government property at the Agency, for which you shall be receipted.-

I will also be obliged for such information regarding the status of Consular affairs at Swatow as you may deem advisable, and be able to furnish me.

I am, Sir,

Your obedient Servant

(signed) C. P. Lincoln

U.S. Consul

Enclosure:-

Copy of Commission of Consular Agent to Swatow.-

Copy.

United States Consulate

No. 205. Amoy October 8th 1878

C. P. Lincoln, Esq.,

U. S. Consul-

Canton.

Sir-

I have the honor to acknowledge receipt of your communication of the 30th ultimo, relative to the transference of the Swatow Agency from this Consulate to that of Canton, in which you inform me that Mr. C. C. Williams has on your nomination been appointed by Mr. Holcombe, Consular Agent at that Port, and request me to notify Mr. Gregory of the fact and direct him to turn over charge to the new appointee.-

In reply thereto I beg to inform you that I am instructed to continue control over the Agency at Swatow until such time as you shall nominate and the Department appoint some suitable person to take charge of it.

When that has been done I will doubtless be advised of the fact by the Department, — I will then hasten to carry out any further direction which I may receive from the Department touching the transfer and will be happy at the same time to give you any information I can regarding the affairs of the Agency. —

I beg to enclose for your information copies of the correspondence which passed between this office and the Department on the subject; also to invite your attention to par. 19. of the Consular Regulations, last part.

I am, Sir,

Your obedient servant

(signed) J. J. Henderson,

Consul.

Copy.

U.S. Consulate at
No. 512. Canton, 14th October 1878.

J. J. Henderson, Esq.,
U.S. Consul —
Amoy.

Sir: —

I have had the honor to receive your despatch No. 205 of 8th instant, relative to the Consular Agency at Swatow. For your kindness in calling my attention to paragraph 19, Consular Regulations, you have my thanks. —

It may be possible you are under the impression that I am anxious to assume control of the Swatow Agency. To remove such impression, if it exists, I may be pardoned for saying, the transfer was not made at my solicitation.

Pursuant to Department instructions (copy herewith) and the provisions of paragraph 19, Consular Regulations, the nomination of a Consular Agent was made and forwarded through the proper Channel. —

U.S. Vice Consul General Stahel say proper to transmit a copy of my despatch to the Legation requesting the immediate appointment of Mr. Williams to act as Consular Agent, until the pleasure of the Secretary of State was made known. This was done I believe in accordance with paragraph 49 Consular Regulations.

I regret the present complication of matters which could have been easily and very properly avoided.

I am, Sir,

Your obedient servant

(signed) C. P. Lincoln,

U.S. Consul.

Copy. Despatch No. 72. Inclosure 2.

Mr. Holcombe to Mr. Henderson

No. 61. November 18th. 1878.

Sir:-

I have been furnished with copies of your correspondence with Mr. Consul Lincoln, concerning the transfer of the Swatow Consular Agency from your supervision to his; being numbers 507 and 512 from Mr. Lincoln to you, and your number 205 to him.

You are manifestly in error in assuming that the language of the Department instruction number 83 to you, contains any warrant for your declining to recognize the authority of this Legation to appoint a Consular Agent at Swatow. That instruction was simply routine in its character, and in no sense intended to intimate that in this particular case, the Government desired to withhold from its Diplomatic representative in China, the authority vested in him, to make temporary appointment of Consular officers, whenever, in his

judgment, the circumstances call for such action.

As the Department has approved the transfer of the Swatow Agency from your jurisdiction to that of Mr. Lincoln, and given the necessary instructions to this Legation, to you, and to him; as the proper notice of the transfer has been given to the Chinese Authorities here who have approved and notified their local officials concerned; and as Mr. Williams has, upon the nomination of Mr. Lincoln, and the endorsement of Vice Consul General Stahel, been appointed Consular Agent and his exequatur applied for and received from the Chinese Government, it would seem that all the steps necessary to the proper transfer of the Agency named have been taken. I have therefore to request that you will refrain from assuming to exercise any further control over the Swatow Consular Agency, and that you will

furnish Mr. Lincoln with a list of the archives and Government property, as requested by him.—

In regard to the boundaries of the Consular districts affected by this change, the Amoy district will naturally revert to its area as defined when Swatow was an independent Consulate, while Canton will be increased by the area which originally belonged to the jurisdiction of the Consul at Swatow.—

I am, &c.

(signed) Chester Holcombe.

Copy. Despatch No. 72. Enclosure 3.

Mr. Holcombe to Mr. Lincoln

No. 46. One Enclosure.

November 18th 1878.

Sir:-

I have had the honor to receive your despatch number 16. of the 22d ultimo relating to the transfer of the Swatow Consular Agency from Mr. Henderson's jurisdiction to yours, the appointment by me of Mr. Colin C. Williams as Consular Agent and covering copies of the correspondence between yourself and the Consul at Amoy upon the subject.-

For your information I enclose herewith a copy of a despatch which I have addressed to Mr. Henderson in the business.-

Since Mr. Gregory has turned over the charge of the Consular Agency to Mr. Williams, and the Chinese authorities here have granted him an exequatur, and have instructed the Provincial Authorities at Canton that Mr. Williams is in charge of the

Agency and under your supervision, it does not appear that Mr. Henderson's objections can serve to embarrass or complicate matters in any way whatever. You will please apply again to him for a list of the archives and Government property of the Agency, and instruct Mr. Williams to proceed with the duties of his office under your immediate direction.—

I am &c.

(signed) Chester Holcombe.

Enclosure:-

1. Mr. Holcombe to Mr. Henderson
cr. 61. November 18th 1878.

Wm Adee
Col. Morgan

Washington. Nov. 19. 1878.

Hon George F. Seward.
to the Department of State.

Subject.
Salary when in transit—

Abstract,
Transmits account for salary
while returning from Peking.

Auditor
WM

Washington. December 19. 1878.

To,

Honorable William M. Evarts,
Secretary of State.

Sir.

I have the honor to send herewith my account for salary which matured on March 31st last, my oath of duty & then City.

I have the honor to be,

Sir.

Your obedient servant

Geo. F. Seward.

Col Morgan.

Ack C.B. Made

No. 73.

Legation of the United States.
Peking, November 19th, 1878.

Chester Holcombe to
the Secretary of State.

Subject.

Salary as Chargé d'Affaires ad interim.

Synopsis.

In conformity to the Department's instruction, number 247., Mr. Holcombe has drawn upon the Secretary of State for salary from June 7th to June 30th, 1878. inclusive. Asks for a copy of circular issued, explaining Act of June 4th, 1878.

Ack copy of cir. circ of June 10. 78. going 15. 1879 Mr Polk.

No. 73.

Legation of the United States.

Peking, November 19th, 1878.

Honorable William M. Evarts.

Secretary of State.

Sir:—

I have had the honor to receive your instruction number 247, and in accordance with the permission which it contained, I have drawn upon you for my salary as Chargé d'Affaires ad interim from June 7th to June 30th last, inclusive, say $379.12. A statement of the account, accompanied by a certificate of the sale of my draft, will be forwarded to you, in due course.

In reference to your remark that

a

a copy of the act of June 4th, 1878, containing the provision preventing the payment of compensation to Chargé d' Affaires ad interim, was sent to this Legation on the 10th of June, accompanied by a circular instruction, I have the honor to state that a copy of the Act in question was received from the Department in July last, but that no circular instruction came with it.

If it seems to you desirable, I would suggest that a copy of the circular referred to be forwarded to me.

I have the honor to be,

Sir,

Your obedient servant.

Chester Holcombe

4

Ack. C.P. Wade

Feb. 13. Mr Pell

No. 74. Two Enclosures.

Legation of the United States.

Peking, November 22nd, 1878.

DEPARTMENT OF STATE
FEB 6 1879
RECEIVED

Chester Holcombe to the Secretary of State.

Subject.

Jones land case at Foochow.

Synopsis.

Covers translation of a despatch received from Prince Kung reciting the information which he had received from the Fukien Provincial Authorities of the settlement of the case.

No. 74. Two Enclosures.

Legation of the United States.

Peking, November 22nd, 1878.

Honorable William M. Evarts.

Secretary of State.

Sir:—

Recurring to my despatch, #
number 54, announcing the #
settlement of the "Jones land case"
at Foochow, I now have the honor
to hand to you a translation of a 1/74.
despatch which I received yesterday
from Prince Kung, covering reports
to the same effect furnished him
by the Chinese Authorities. I also 2/74
enclose a copy of my response.

These papers are forwarded
simply to complete the files of the
Department

Department in this case. The letter of the Prince contains nothing beyond the version of the settlement already given me by Mr. de Long, and forwarded to you in my despatch mentioned above.

I have the honor to be,

Sir,

Your obedient servant.

Chester Holcombe

Enclosures.

1. Prince Kung to Mr. Holcombe
72/1878. November 21st, 1878.
2. Mr. Holcombe in acknowledgment.
73/1878 November 22nd, 1878.

Despatch No. 74.
Enclosure 1.

12/1878.

Prince Kung, Chief Secretary of State for Foreign Affairs, herewith makes a communication.

Upon October 27th 1877, I had the honor to receive a despatch from Minister Seward, setting forth that Mr. Jones, an American citizen, resident at Foochow, had purchased a piece of land, the deed for which the local Authorities refused to stamp &c. &c.

I, at once, directed the Fukien Provincial Authorities to examine into the case, and furnish me with a report, and replied to that effect to Minister Seward.

In February of the present year, a report was received from the Provincial Authorities, whereupon I again instructed them to await the receipt of certain replies from Mr. Consul De Lano, and then to furnish me with full details for my consideration.

(Upon

Upon the 31st of July, last, I had the honor to receive a despatch from you, in the same "Jones land case", stating that your Legation had failed to receive any response from me in the premises, and expressing the hope that the case might be settled at an early day, and that Mr. Jones might be put in possession of his land &c. &c.

In response, I furnished you with the circumstances of the case, as reported to me by the Provincial Authorities of Futien, and, at the same moment, I again directed those officers to report whether the land in question could, or could not, be placed in the possession of Mr. Jones. I instructed them that, in case there were no hindrances or objections on the part of the neighboring Chinese residents, they should settle the case in accordance with justice and treaty stipulations.

Upon the 9th instant, I

received

received a communication from the Provincial Authorities covering a report from the Intendant which states that, having instructed the Local Magistrate, and the Police Authorities to investigate the question at issue, they had reported that the land was certainly filled with the graves of various parties, as claimed, and hence the question was more serious by far, than it would be were it covered with dwellings. If buildings were to be erected upon it, disturbances would undoubtedly arise, There were numerous other localities upon which Mr. Jones could construct his buildings, why should he insist upon this par-ticular spot. They recommended that the Magistrate be directed to secure from Chu-Lien-sheng the sum received by him for the land; that it be returned to Mr. Jones, who should release his claim; and that orders be issued, prohibiting all sale of the land at any time in the

Future,

future, in order to quiet popular feeling. This report was communicated to Mr. De Lano, with a request that he direct Mr. Jones to comply with its terms, but no reply was received.

But thereafter Mr. De Lano called at the Intendant's Yamen, and proposed that as it seemed difficult to secure the land purchased, the money paid should be returned to Mr. Jones, in order to avoid further delay. Thereupon the District Magistrate Chang, advanced the required amount, $426., and paid it to Mr. De Lano, with the request that it be handed over to Mr. Jones, in settlement of the case. Mr. De Lano's note of acknowledgment has been received. The Intendant also instructed the Magistrate to issue an order, and have it engraved upon stone, which should be set upon the boundaries of the land, forbidding its sale in future, and reported to his superiors as above.

(It

It becomes my duty to report to you this settlement of the case which has formed the subject of this correspondence.

Chester Holcombe, Esquire.
etc. etc. etc. etc.

Peking, November 21st 1878.

Despatch No. 74.
Enclosure 2.

73/1878

Mr. Holcombe to Prince Kung.

November 22nd, 1878.

I have had the honor to receive your despatch of yesterday, informing me of the settlement of the "Jones Land case" at Foochow.

Prior to its receipt, I had been furnished with the details of the settlement, by Mr. Consul De Lano.

I have &c.

(signed) Chester Holcombe.

Wood to Mr. Adee

Approve - further advices will be awaited
C. B.

Ans'd Feb. 18. 1879 Mr Polk

No. 75. Three Enclosures.

Legation of the United States.

Peking, November 22nd, 1878.

Chester Holcombe to

the Secretary of State.

Subject.

Consular Agency at Wuhu.

Synopsis.

Mr. Holcombe has received a letter from H. B. Mr. Acting Consul at Wuhu, proposing to act in a Consular capacity for the United States at his port. Reply has been made that the Government would probably appoint no officer of higher grade than Consular Agent at Wuhu,

and

and Mr. Openhaim's letter has been
referred to the Consul at Chinkiang.
Copies of correspondence enclosed.

No. 75. Three Enclosures.

Legation of the United States.

Peking, November 22nd 1878.

Honorable William M. Evarts.

Secretary of State.

Sir:—

I have the honor to hand to you herewith, a copy of a letter 1/75.
which has been handed to me by Hugh Fraser, Esquire, H.B.M. Charge' d' Affaires. It is addressed to this Legation by Hon. E. L. " Oxenham, Acting British Consul at Wuhu, and contains an " expression of his willingness to act in a Consular capacity for the United States at his Port, in case it should be thought best to give

him

him an appointment.

Mr. Fraser, in handing to me this letter, said that he had been addressed upon the same subject by Mr. Oxenham, and intimated that, in case it should be thought desirable to make the appointment, the consent of Her Majesty's Government would, doubtless, be granted.

I refrained from expressing any opinion upon the subject, beyond saying that the Department would not, probably, think it desirable to do more than establish a Consular Agency at Bonny, and explaining that, in accordance with our regulations, the selection of such Agent would be made upon

ison the nomination of a suitable person by the Consul at Chinkiang, and the endorsement of the Consul General.

I enclose a copy of my 2/75.
reply to Mr. Cranham, and also
of a despatch to Mr. Colby, in 3/75.
which I have requested him to
take the subject of the establishment
of a Consular Agency at Wuhu
into immediate consideration and
to furnish me with his opinions
upon it. When I shall have
received Mr. Colby's response,
I will address you again.

I trust that my action
as detailed herein, will meet
with your approval.

I have the honor to be,
Sir

Sir,

Your obedient servant.

Chester Holcombe

Enclosures.

1. Hon. Axtenham to Hon. Holcombe
   November 8th inst., 1878.
2. Hon. Holcombe in reply.
   November 21st inst., 1878.
3. Hon. Holcombe to Hon. Colby.
   No. 33. November 21st inst., 1878.

Despatch No. 75.
Enclosure 1.

Mr Oxenham to Mr Holcombe
No 54. Wu-Hu November 8th 1878.

Sir:-

Mr. C. A. Smith an American citizen here, lately established in business, has asked me to perform for him such Consular duties as may from time to time become necessary, and I have written for him once or twice to the Authorities. In the absence of any American Consular Representative here I shall be happy to place my services at your disposal in that capacity if you should be disposed to honor me with such a trust, subject to the approval of H. B. M. Chargé d'Affaires.

I am enclosing this Despatch under under cover to H. B. M. Chargé d'Affaires.

I have &c.

(signed) E. L. Oxenham.

Despatch No. 75.
Inclosure 2.

Mr. Holcombe to Mr. Cranham.
November 21st 1878.

Sir:-

I have had the honor to receive your letter of the 8th instant. Please accept my very sincere thanks, both for the courtesies which you have extended to my countryman, and especially for the offer which you have so kindly made to act in a Consular capacity for the United States at Wu-Hu.

It is not, I believe, contemplated by my Government to do more at your port, in the immediate future, at least, than to appoint a Consular Agent. An officer of that grade receives his commission upon his nomination by the Consul who has supervision over the port in question, and the approval of the Consul General. In the present case, Mr. Consul Colby at Chinkiang has general charge of our interests

(at

at Wu-Hu, and to him your letter will be referred.

I am &c.

(signd) Chester Holcombe.

Despatch No. 75.
Enclosure 3.

Mr Holcombe to Mr. Colby
No. 33 November 21st 1878.

Sir:

I have the honor to enclose herewith a copy of a letter which I have received from E. L. Oxenham Esquire H. B. M. Acting Consul at Wuhu, in which, as you will see, he expresses a willingness to act in a Consular capacity for the United States at his port.

I also enclose for your information, a copy of my reply.

Will you be so good as to take the subject of Mr. Oxenham's letter into immediate consideration, and favor me with such opinions and recommendations as may seem appropriate.

I am &c,

(signed) Chester Holcombe,

Sack Feb 14 1879 and approved Mr Peck

Ask - approve C.P. Wade

No. 76. Two Enclosures.

Legation of the United States.

Peking, November 23rd, 1878.

DEPARTMENT OF STATE FEB 6 1879 RECEIVED

FOREIGN Relations 79

Chester Holcombe to the Secretary of State.

Subject

Transit passes for the export of native produce from Szchuen province.

Synopsis.

The Consul at Hankow has informed the Legation that certain Chinese officials in the interior of Szchuen have warned Mr. A. Jenkins, an American merchant, not to attempt to make use of ten transit passes issued to him, and informed him

Seen A.P.W.

him that the passes would not be recognized. Mr. Holcombe has asked Prince Kung to issue such orders as will cause the officials named to respect treaty obligations, and the rights of citizens of the United States. Mr. Holcombe is not sanguine as to the result. Decided language necessary.

No. 76. Two Enclosures.

Legation of the United States.

Peking, November 23rd, 1878.

Honorable William M. Evarts.

Secretary of State.

Sir:-

I have the honor to submit to you herewith, a copy of a despatch 1/76
which I have received from the Consul at Hankow, complaining of the action of certain Chinese officials in the interior of the province of Szchuen in refusing to acknowledge the validity of ten transit passes issued to Mr. M. A. Jenkins, an American merchant at Hankow, and under which he was bringing native produce to that port.

A

A reference to my despatch, number 25., will remind you that Mr. Seward had some correspondence with the Foreign Office, shortly prior to his departure for the United States, in regard to the issue, to American merchants at Hankow, of transit passes for the export of native produce from Ichuen. This correspondence resulted in an arrangement proposed by the Chinese, and agreed to by this Legation, under which such passes could be issued, and the transit dues on goods covered by them paid at Hankow.

It appears that in accordance with this procedure, Mr. Jenkins of Hankow, applied for and received

ten

ten passes from the Customs at his port, and transmitted them to his agent in Szchuen, who, in turn, purchased the merchandise for shipment. He was thereupon warned by the Chinese Authorities at Chungking not to attempt to use the transit passes named, and told that, if, in disobedience to the warning, he sent forward his purchase, the goods upon arrival at the tax station at Kwei Chou would be held for payment of dues, the same as though they were not covered by transit passes. A copy of the order issued by the Chung-king Magistrate forms the enclosure to Mr. Shepard's despatch.

I enclose a copy of a letter 2/76.
which

which I have addressed to Prince Kung in this business, asking him to issue such orders to the Authorities concerned as will cause them to respect treaty stipulations, and the rights of such citizens of the United States as may be within the limits of their jurisdiction.

It is proper, however, for me to add that I am far from sanguine that my request will secure such prompt and unmistakable action on the part of the Authorities here, as will prevent a recurrence of the abuses complained of, or even, in the present instance, enable Mr. Jenkins to take his goods to Hankow without the payment of unjust and illegal taxes. It is hard to conceive

a

a more flagrant violation of treaty obligations than that narrated above, nor a better illustration of the readiness and freedom with which local Authorities in China ignore the agreements and instructions of the Central Government. The officials in charge of the tax station at Kwei Chow have long been notorious for their conduct in this direction, as the correspondence between this Legation and the Department abundantly proves.

It is not likely that a change for the better will occur until the Government at Peking is driven, by the decided language of foreign Powers, to assert and exercise its legitimate authority.

I

I have the honor to be,

Sir,

Your obedient servant.

Chester Holcombe

Enclosures.

1. Mr. Shepard to Mr. Holcombe
No. 24. November 2nd, 1878.
2. Mr. Holcombe to Prince Kung.
71/1878. November 21st, 1878.

Despatch No. 76.
Enclosure 1.

Mr Shepard to Mr Holcombe
No: 24, Hankow, November 2, 1878.

Sir;

I had the honor to receive, on the 30th May, your No: 47, covering an Enclosure of a Reply from the Foreign Office touching Transit Passes for the export of native produce from the interior, and especially from the province of Szechuan. Your dispatch also suggested an expression of my opinion as to whether the arrangement proposed would meet the requirements of the trade to be affected by it.

I delayed to offer such opinion until the facts of operation should give me some grounds upon which to base it with some show of reason, although the plan decided upon by the Board appeared on paper to give, in a degree, the facilities we had a right to ask. Such facts have now transpired, and I regret to say certain officials have

have shown no disposition to carry out the provisions agreed to, but have on the contrary, not merely made them a dead letter, but by refusing to respect them have been the willful and direct cause of pecuniary loss and trouble to an American Merchant acting in good faith under them. The details I give for your full information, and also copies of a correspondence to substantiate them.

On reception of your dispatch above referred to, I at once communicated the basis of it to the two American houses then engaged here in the inland transit business. The same information was promulgated by the native authorities about the same date, and notice given that the requisite blanks were in readiness, at the Hankow Customs. One of the Merchants, Mr. M. Andrew Jenkins, on whose occasion my original correspondence arose, - on the 13 of July applied to me to procure

(for

for his use ten Transit Passes to bring goods out from Szechuen. These are the Passes described in the Chinese dispatch inclosed. On the 27th of the same month he applied for ten more. In both cases I at once communicated with H. E. the Taotai, asking for the Passes, and he promptly forwarded them to me. They were promptly delivered to Mr. J. who paid the established Fee of $2. on each, - $40. in all. He sent the documents forwarded to his Agent at Chung. Ching, directing the purchase and forwarding of the merchandize. The result is the Goods are stopped as stated in the officials communication, and they arbitrarily refuse to forward under the provision of the Passes. In fact they are repudiated, and the merchandize detained from market, and left to loss from deterioration. The authority of the Foreign Office at Peking is set at defiance by subordinate officials, and I am decidedly of opinion that Mr. Jenkins has has undoubted

(Claims

claims for remunerative damages. I am sorry that the plighted faith of officials is not more readily observed, and doubt not you will do all possible to secure our Treaty rights, absolutely indispensible for the transaction of business.

I am &c.

(signed) Isaac T. Shepard.

Hankow, 1st November, 1878.

Mr. Jenkins to Mr. Shepard.

Sir;

I beg to hand you the original order which was sent to my Agent at Chung Ching, in Chinese, with a copy of it in English. It is from Lee, the magistrate of Chung Ching. It explains itself. I have to request that you will forward a copy of it to H. E. the Minister at Peking, and have most respectfully to ask that steps be taken as early as possible to prevent further heavy loss. I shall forward, as soon as received, particulars of a claim for loss of market, Interest, &c,

I am, &c.

(signed) M. Andrew Jenkins.

Translation

Chung-Ching, 4th October, 1876.

I have to inform you that on the 19th of September, 1878, I received from H. E. the Chung-Ching Taotai, "Yoau", who on the 18th of September 1878, received from the officer in charge of the Tax-Station at Kwei-Chow the following dispatch, in which he states, "I am in receipt of a dispatch from H. E. Sung, Taotai of Ichang, who has received from H. E. Ho, the Hankow Taotai, stating that Consul Shepard has addressed him a dispatch requesting that I will forward to his office the following Transit Passes to carry Goods from Chung Ching to Hankow, which have been applied for by Mr. A. Jenkins. Passes as follows: 5 (five) for Musk. - 2 (two) for Gallnuts. - 1 (one) for Silk: - 1 (one) for White Wax, - and 1 (one) for Safflower, - in all ten Passes, and that Chung Ching is considered the first

(Tax

Tax-Station en route, and all of the rest of the way stations are to examine and pass without delay, all duties for the said Goods to be collected at Ichang. I, the Tax officer, in reference to the above would observe that since imported goods have been taken into Szechuen under Transit-Passes, the Customs and Internal Tax offices at Kwei-Chow have suffered a loss of over two hundred thousand Taels. Now if Native Produce is to be brought out from Szechuen on which my office can collect nothing, the Treasury will be empty, and where is the money to come from which the Province will be called on to forward for public services. Strict orders from high authority have been issued to my office to make strict investigation that the large packages of foreign goods which pass here under Transit Passes, to see that they do not cover native goods; and should any native produce be found concealed

(it

it is to pay the duties as per Regulations.
This order plainly shows that all native
produce coming out from Szechuen is
to pay the regular charges. I have
written to H. E. the Vice-Roy, and have
asked that he will bring this to the
notice of the Foreign Board at Peking,
and I have also written to the Prefect
at Ichang to ask that instructions
be sent to Mr. A. Jenkins not to use
the Passes he has in his hands at
present. It is now for this purpose
that I address Your Excy, and ask
that you will instruct Mr. A. Jenkins
that the Passes which he has at
Chung Ching be not used for the present.
Should Mr. A. Jenkins not obey your
instructions, please inform him that
on the arrival of the goods at Kwei-
Chow tax-barriers that I shall not
recognize the Passes, but shall demand
the regular dues payable at my office.
As soon as I have received instructions
from H. E. the Vice Roy, - I will wride
you again, Thus I will be acting.

(in

in accordance with the strict orders referred to. I the Chung-ching Taotai having received the above dispatch have to instruct you, the magistrate of Chung ching. to issue orders for the carrying out of the Tao officer's views, and you are instructed to order Mr. A. Jenkins not to disobey". Now, I, the Magistrate, having received the above instructions, address you this, and have to instruct that you will not disobey the orders above given.

From Lee, the Magistrate of Chung-Ching, to the American Merchant, Kung-Tai.

M. A. Jenkins Agent.

Despatch No. 76.
Enclosure 2

71/1878.

Mr Holcombe to Prince Kung.
November 21st 1878.

I have the honor to inform Your Imperial Highness that I am in receipt of a communication from the United States Consul at Han-Kow in which it is stated that Mr. M. A. Jenkins, an American merchant at Hankow having applied for and received ten transit passes for the purpose of bringing to that port certain native produce purchased by him in Sz-chuen, has been warned by the local authorities at Chung-ching that the passes would not be respected and informed that upon the arrival of his goods at Kwei-Chow, he would be required to pay the usual barrier charges, the same as for goods unprotected by transit pass. As a result of this procedure the produce purchased by Mr. Jenkins

(is

is stopped in the interior, and he is subjected to serious loss from deterioration of the produce, and changes in the market. The Consul requests me to bring this business to the notice of Y. I. H. and to seek from you such remedy as the circumstances demand.

Y. I. H. will doubtless remember a correspondence had with Minister Seward upon the subject of the issue of transit passes to American citizens who may desire to bring native produce from the interior of Szechuen to Hankow, and which resulted in a scheme proposed by yourself and accepted by this Legation last spring, by which such passes could be se-cured, and the transit dues upon the produce covered by them could be paid at Hankow. The Consul at Hankow was in due course in-formed of this arrangement and the ten transit passes in question were issued under it. It appears

(that

that the tax authorities in the district named refuse to acknowledge the validity of these documents although issued by virtue of a distinct understanding arrived at between Y. I. H. and this Legation, and venture to take a course which is in manifest violation of treaty and calculated to work grave injury to the interests of my countrymen.

Under these circumstances I have the honor to request that Y. I. H. will issue such orders to the local authorities concerned as will cause them to respect treaty obligations, adhere to the arrangement made between Y. I. H. and Mr. Seward, and regard the rights of such Americans as may be within the limits of their jurisdiction.

I enclose a copy of the notice served upon Mr. Jenkins.

I have &c,

(signed) Chester Holcombe.

Comm'd to War Dept Feb. 12. 79 Mr Polk

Ask & communicate to Sec of War C. P.

Mr Aden

No 44.

Legation of the United States.

Peking, November 25th, 1878.

Chester Holcombe to

the Secretary of State.

Subject.

Thanks of Prince Kung to War Department.

Synopsis.

A copy of "Ordnance Memoranda, No. 21." addressed to the "Minister of War" having been received by the last United States mail, Mr. Holcombe sent it to Prince Kung with a short note, and now is requested to communicate the thanks of the Prince to the Chief of the Ordnance Board.

No. 77.

Legation of the United States.

Peking, November 25th, 1878.

Honorable William M. Evarts.

Secretary of State.

Sir:—

By the last mail from the United States, a cover was received at this Legation addressed to the "Minister of War, Peking, China", and containing a copy of "Ordnance Memoranda No. 21." from Brigadier General S. V. Benet, Chief of Ordnance U. S. A.

I forwarded the volume in question to the Foreign Office for transmission to the Board of War, with a note explaining briefly its character

character and source, and am now
in receipt of a reply from H. I.
H. Prince Kung, in which he
requests me to communicate the
"sincere thanks of his Government
"to the Authorities of the United States
"from whom the volume came."

I have the honor to request
that, if it seems proper to you, the
thanks of Prince Kung may be
communicated to the Honorable
Secretary of War.

I have the honor to be,
Sir,
Your obedient servant.
Chester Holcombe

4

Mr Adee
Col. Morgan

No. 78. One Enclosure.

Legation of the United States.

Peking, November 25th, 1878.

DEPARTMENT OF STATE
FEB 6 1879
RECEIVED

Chester Holcombe to

the Secretary of State.

Subject

Legation rent account.

Synopsis.

Refers to despatch, number 68, and forwards duplicate statement of the rent account for the quarter ended September 30th, 1878.

FM

No. 78. One Enclosure.

Legation of the United States.

Peking, November 25th, 1878.

Honorable William M. Evarts.

Secretary of State.

Sir:—

I have the honor to hand to you herewith a duplicate statement of the rent account of this Legation for the quarter ended September 30th last. 1/78.

The original was sent to the Department with my despatch, number 68, of the 12th instant.

I have the honor to be,

Sir,

Your obedient servant.

Chester Holcombe

Enclosure.

Enclosure.

1. Duplicate statement of rent account for quarter ended September 30th, 1878.

One copy to Treasury Feb. 14. 1879. Wm Polk.

One to Statisticians

Wm Adee

Sch

No. 79.

Legation of the United States.

Peking, November 29th, 1878.

Chester Holcombe to

the Secretary of State.

Subject.

Forwards two copies of "Customs Gazette"

Synopsis.

Sends, under separate cover, two* copies of "Customs Gazette, No. XXXIX. July – September, 1878.

One copy to Library.

No. 79.

Legation of the United States.

Peking, November 29th, 1878.

Honorable William M. Evarts.

Secretary of State.

Sir:—

I have the honor to hand to you, herewith, under separate cover, two copies of the "Customs Gazette, "No. XXXIX. July—September, 1878.," as published by the Chinese Maritime Customs.

I have the honor to be,

Sir,

Your obedient servant.

Chester Holcombe

Inclosure in Despatch
of Leg. Dispatch No. 273.
Feb 13. 79
Mr. Polk.

No. 80. Three Enclosures.

Legation of the United States.
Peking, December 2nd, 1878.

DEPARTMENT OF STATE
FEB 6 1879
RECEIVED

Chester Holcombe to
the Secretary of State.

Subject.

Mr. Cheshire as Vice Consul at Foochow.

Synopsis.

Mr. Holcombe having been notified that Mr. Cheshire would be in charge of the Foochow Consulate on and after November 20th, has informed Mr. Le Gendre, that for reasons stated, he cannot recognize Mr. Cheshire as Vice Consul, and has requested the Consul to remain at

at his post for the present. Copies of the correspondence are enclosed, and the approval of the Department is requested.

No. 80. Three Enclosures.

Legation of the United States.

Peking, December 2nd, 1878.

Honorable William M. Evarts.

Secretary of State.

Sir:-

I have the honor to hand to you, herewith, a copy of a 1/80
despatch in which our Consul at Foochow informs me that
"Mr. F. H. Cheshire, U. S. Vice
"Consul, will be in charge of this
"Consulate, on and after the 20th
"instant (November) during my
"temporary absence to the United
"States."

I also enclose a copy of a 2/80
reply which has been addressed

to

to Hon. Hle Lano. As this Legation has no knowledge of the resignation of Mr. Jones nor of the appointment of Mr. Cheshire by yourself, I have felt obliged to say to our Consul at Foochow, that I cannot recognize Mr. Cheshire as authorized to perform the duties of Vice Consul, and have requested him to remain at his post, for the present.

Since it is possible that Hon. Hle Lano will have left Foochow, before my despatch can reach that
3/80. post, I have also advised Mr. Cheshire that, in such an event, he is authorized to remain in charge of the Consular archives, but should refrain from the exercise of any official duties,

until

until further advised by me.

I trust that my action will meet with your approval.

I have the honor to be,

Sir,

Your obedient servant.

Chester Holcombe

Enclosures.

1. Hon. Hle Lano to Hon. Holcombe.
   No. 115. November 18th, 1878.
2. Hon. Holcombe in reply.
   No. 66. Hlecember 2nd, 1878.
3. Hon. Holcombe to Hon. Cheshire
   Hlecember 2nd, 1878.

Despatch No. 80.
Enclosure 1.

Mr. De Lano to Mr. Holcombe

No 115 Foochow Nov. 18th 1878

Sir:—

I have the honor to inform you that Mr. F. D. Cheshire, U. S. Vice-Consul, will be in charge of this Consulate on and after the 20th instant during my temporary absence to the United States.

I am, &c.

(signed) M. M. De Lano.

Despatch No. 80.
Enclosure 2

Mr. Holcombe to Mr. De Lano.
No. 66. December 2nd 1878.

Sir:

I have the honor to acknowledge the receipt of your despatch, number 115, informing me that Mr. F. D. Chethire will be in charge of your Consulate on and after the 20th ultimo. &c.

This Legation has received no intimation of the resignation or supersedure of Mr. T. F. Jones as United States Vice Consul at your post, nor of Mr. Chethire's appointment by the Secretary of State, to the post.

In the absence of any commission for the last named gentleman or notice from the Department that he has been appointed, I am unable to recognize him as authorized to exercise the duties of Vice Consul, and must therefore request you to remain in charge of your office for the present.

I am, &c,

(signed) Chester Holcombe.

Despatch No. 80.
Enclosure 3.

Mr. Holcombe to Mr. Cheshire,
December 2nd, 1878.

Sir:

I have received from M. M. De Lano Esquire, United States Consul at Foochow, information that you would be in charge of his Consulate on and after the 20th November, during his temporary absence to the United States.

In reply I have informed him that, as this Legation has neither received your Commission as Vice Consul, nor any intimation of your appointment by the Secretary of State, you cannot be recognized as competent to take charge of the office named, and have requested him to remain at his post for the present.

As it is possible that Mr. De Lano may have already left Foochow, it seems proper to inform you of the nature of my despatch in response to him.

In case he has taken his

(departure,

departure, you are authorized to remain in charge of the archives of the Consulate, but I must ask you to refrain from the performance of any official act, until the receipt of further advices from me.

I am &c,

signed Chester Holcombe.

1 One copy to Treasury Feb. 14. 1879 Mm Beck

One to statistician

Note.

No. 81.

DEPARTMENT OF STATE FEB 6 1879 RECEIVED

Legation of the United States.

Peking, December 3rd, 1878.

Chester Holcombe to

the Secretary of State,

Subject.

Forwards Customs Returns.

Synopsis.

Sends, under separate cover, two* copies of the Customs reports on trade for the year 1877.

* One copy to Library

No. 81.

Legation of the United States.

Peking, December 3rd, 1878.

Honorable William M. Evarts.

Secretary of State.

Sir:—

I have the honor to enclose to you, under separate cover, two copies of the "Reports on Trade at the Treaty Ports, for the year 1877," as published by the Inspector General of Chinese Customs.

I have the honor to be,

Sir,

Your obedient servant.

Chester Holcombe

4

Letter to Committee for Rel. sent March 19.

Made a matter of Com. Ho. Clerk of Com. on Appropriations March 19.

FOREIGN Relations 79

No. 82.

Legation of the United States.

Peking, December 3rd, 1878.

DEPARTMENT OF STATE FEB 24 1879 RECEIVED

Chester Holcombe to the Secretary of State.

Subject.

Consular interpreters.

Synopsis.

Mr. Holcombe refers to the act making diplomatic and consular appropriations for the current years, and says that the interpreters at Tientsin and Foochow have notified him of their intention to resign. Regrets the reductions in their salaries, and enlarges upon the great

great importance of having competent persons attached as interpreters to each consulate. He discusses the present situation of our service in this respect, deprecates the employment of Chinese as interpreters, and, in general, gives Mr. Holcombe's views as to the number and kind of interpreters needed and the salary which should be paid to them.

No. 82.

Legation of the United States.

Peking, December 3rd, 1878.

Honorable William M. Evarts.

Secretary of State.

Sir:—

In reference to the provisions of "An act (Public—No. 72) making "appropriations for the consular "and diplomatic service of the "Government, for the year ending "June thirtieth, eighteen hundred and "seventy nine," etc. by which the salaries of the interpreters to our Consulates at Lientsin and Foochow are reduced from two thousand to fifteen hundred dollars per annum, I have the honor to inform

inform you that the gentlemen now holding these positions have unofficially indicated to me their intention to resign them at an early day.

While it would ill become me to raise any question, or make comment upon the wisdom of the action of the legislative branch of the Government, as referred to above, I cannot refrain from the expression of any regret that it should have appeared necessary to reduce still further the exceedingly meager allowances to the Consular service in China, and especially to apply such reduction to the salaries of the interpreters at Tientsin and Foochow.

The files of correspondence between

between this Legation and the Department will show, extending back to the first establishment of commercial relations between the United States and China, frequently repeated statements upon the part of our Representatives here, as to the paramount importance of having a competent staff of interpreters at the various Consulates. As there has not been in the past, and is not likely to be in the near future, a single Chinese-speaking United States Consul in this Empire, it follows that the interpreter must form the sole medium of communication between each Consul and this Government, and that upon his tact, discretion, honesty,

honesty, and knowledge of the ways of the Chinese must depend, in a very large measure the maintenance of good relations, and the protection of our interests here. Though occupying less prominent positions than their chiefs, it is, perhaps, not an exaggeration to say that, in the faithful and efficient performance of their duties, interpreters render a service to the United States, not second in value or importance to that of any Consular officer in China.

With them must rest, to a large extent, the recuperation and increased development of our languishing trade. For, by their ability to come into immediate

contact

contact with the merchants and trading classes among this people, they can readily disseminate in each country, knowledge of the peculiar productions and requirements of the other, and so open up hitherto unsuspected avenues of commercial enterprise to our people. In my opinion, one of the most important preliminary conditions to the development to any considerable degree, of the trade between the United States and China, is the equipment of each Consulate, with a well educated, competent, Chinese interpreter, who should be a citizen of the United States, and who should be instructed, under

under the supervision of his Consul, to give special attention and study to both the foreign and native trade at his port, with a view to furnishing information upon it to the Department, and to our people.

Such of the other Treaty Powers as are permanently represented in China, have long since come to an appreciation of the importance of having competent interpreters in their Consular establishments, and, without an exception, send young men to this city to be educated in Chinese preparatory to doing interpretative duty at the ports. Our Government has not elected to follow this system,

whether

whether wisely or unwisely, I do not, at the moment, venture to say.

But, if we choose to hire interpreters in the markets of China, as we do practically, we must, of course, be prepared to pay the market price for their services. Such a knowledge of Chinese as would fit a person to interpret at any of our Consulates, superadded to a common-school English education, is worth here, as a mere business investment to any able bodied American, at least three thousand dollars per annum. If this is a fair statement of fact, and I believe it to be considerably within

within the limit, it is idle for us to attempt to secure proper interpreters at salaries ranging from $500. to $1500. For our young men do not come to China from patriotic motives, and, having come here and invested years of time and labor in the study of this most difficult language, they cannot be expected to serve our Government at a compensation less than half that which their abilities would readily secure them in trade or business, especially when called upon to serve the Government in this capacity with no reasonable prospect of promotion.

I am not ignoring the fact that

that at the ports where the smaller amount mentioned is allowed, the Government has acted upon the supposition that the entire time of an interpreter was not needed, and has expected that the persons so employed would also be engaged in other business. But the difficulty of securing suitable interpreters to act under these conditions is so great as to amount to a practical impossibility. If they are engaged in trade it demands all their time, and they are naturally unwilling to place themselves in a position where they are liable to be called upon to lay aside their business engagements, at, perhaps, a most critical juncture, to serve the

Government

Government for a merely nominal compensation. Missionaries are, with all their loyalty, equally unwilling to enter into engagements which render them liable to be interrupted in their most important and valuable labors, at frequent and uncertain intervals.

As a matter of fact, it has been found necessary, at nearly all the ports having only the smaller allowance named, to employ English-speaking Chinese as interpreters. And the evils which result from their employment in this capacity can hardly be depicted in too strong language. I need only refer you, by way of illustration,

to

to the facts developed in my report upon charges made against Mr. Mc Lane by the Chinese Authorities at Foo Chow, and forwarded to you with Mr. Seward's despatch, number 345., of October 26th, 1877.

Complaints of a grave character against the interpreter at Canton, have been repeatedly made within the last three years, and it is safe to say that, at nearly every port where persons of this class have been employed serious abuses have in consequence sprung up. At every port in China there are numbers of natives, who, being either engaged in litigation with their countrymen, accused of crime, or from various other motives, are

anxious

anxious to secure by bribery the illegal exercise of Consular authority and prestige in their behalf. And the report above mentioned shows that an unscrupulous interpreter can do what might almost be termed a wholesale business of this sort, and continue it for years, without the knowledge of his immediate superior.

In my opinion, the wiser course, at ports of the class now under discussion, would be to appoint an American citizen, having a good knowledge of Chinese, as Consul, and require him to do his own interpreting. This would, it is true, tend to make his office a

a permanency which, perhaps, might also be a change for the better.

The present staff of interpreters at our several Consulates in China is made up as follows:— at New Chwang, Chinkiang, Kiukiang, Amoy, and Canton of English-speaking Chinese; at Hankow, the work is done by an American merchant; at Shanghai, by an American physician; and at Tientsin and Foochow, by Messrs. Pethick and Cheshire, who give their entire time to the service. I am not able to speak exactly with reference to the persons employed at the various Consular Agencies, but believe it safe to assume that they are all Chinese.

For

For reasons already intimated, it seems of the utmost importance to the protection of our good name in China, and the preservation of our interests here, that the several interpreters who are of Chinese birth be, without exception, dismissed from the service, and the employment of such persons be discontinued. In my experience of ten years of intercourse and intimacy with all classes of Chinese, I have hardly met one who was competent to act as interpreter, and who, in my opinion, could be trusted to withstand the temptations and opportunities for ill doing which, of necessity, constantly present themselves to a person in such a position.

position.

It is scarcely less desirable that the post at Hankow should be filled by a person who is engaged in trade. The name of the present incumbent — Mr. A. Jenkins — is familiar to the Department and to this Legation, by reason of the frequently recurring questions laid before us, in connection with his business. And it surely is not consistent with the dignity of our Government that its Consul at Hankow, in the discussion of questions with the Chinese Authorities, should be obliged to employ and the same moment, and as his mouth piece, one of the parties to the business at issue.

I am

In saying this, I disclaim all intention to reflect in any way upon the personal character of Mr. Jenkins, or the nature of his business. They are both, so far as my information goes, above reproach.

And, again, whatever may be the other qualifications of the present interpreter at Shanghai, I believe it to be entirely just to him to say that, in knowledge of the Chinese language, he is not qualified for his very responsible duties, and that some other person should be appointed to his present post, at an early moment.

From what has immediately preceded, you will correctly gather my opinion that, at present,

our

our only Consulates in China which are properly furnished with interpreters, are those at Tientsin and Foochow, and that if, in consequence of the reduction of their salaries, we lose the services of the persons now employed at those ports, we shall be, at all our Consulates, in a most undesirable situation.

To sum up my views upon this subject, — the Consular establishments at Shanghai, Tientsin, Hankow, Foochow, Amoy, and Canton, should each be provided with an interpreter, who is a citizen of the United States, thoroughly acquainted with the Chinese language, and

who

who should be required to devote himself, exclusively, to the duties of his position. These officers might also be made Vice Consuls at their several ports. To accomplish this an appropriation of not less than $2,000, and not more than $3.000, at each of the ports named would be necessary. The proper persons for these positions can be found, with but little delay, if the Government is able, and willing, to pay a reasonable compensation for their services.

Consuls should be appointed to Chinkiang, Kiukiang, and Newchwang, in such persons as have a knowledge of Chinese,

and

and no allowance made to them for interpreting.

In case no change can be effected which requires enlarged expenditures of money, I respectfully submit for your consideration, whether it would not be better for our Consuls to arrange, if possible, to employ the interpreters attached to the Consulates of other Powers at their respective Ports, rather than, as at present, to employ merchants, or, worst of all, English-speaking Chinese.

In concluding this somewhat lengthy despatch, I venture to express the hope that, in writing it, I shall neither be accused of presumption, nor of disregarding

the

the necessity for an economical administration of all the branches of our Government.

As to the latter, I thoroughly realize the duty and necessity of exercising the most exact care and scrutiny in the expenditures of public funds. But, in my opinion, in the interests under discussion, there is no safe middle ground to be taken, and our Consular establishments should be maintained in a dignified way, or not at all. It would be far better to discontinue some of them, or, indeed, all, than to sustain them upon a basis so inadequate as to subject us to constant embarrassement and ridicule.

As to the former, I fully and

and cheerfully recognize the better knowledge of the Department as to the course which may be advisable and necessary to be taken in the management of our interests in China and elsewhere. I have been led to place before you the views given herein, particularly by the fear that the action taken by Congress, and referred to above, would deprive us of the services of our two best interpreters, and, generally, by an anxiety that the Consular establishments of the United States in China should be sustained in an efficient, dignified, and economical manner.

And I have hoped that my

my utterances might recall to your mind, and, possibly, emphasize, the opinions of my predecessors upon the same subject.

I have the honor to be,

Sir,

Your obedient servant,

Chester Holcombe

File

Wade

No. 83.

DEPARTMENT FEB 24 1879 RECEIVED

FOREIGN Relations 79

Legation of the United States.
Peking, December 5th, 1878.

Chester Holcombe to
the Secretary of State.

Subject.

Changes in the personel of the Foreign Office.

Synopsis.

Two members have been retired, and two appointed. The change an improvement. The Office now contains eleven members among whom are found all of the Privy Council of State.

No. 83.

Legation of the United States.

Peking, December 5th, 1878.

Honorable William M. Evarts.

Secretary of State.

Sir:—

I have the honor to inform you that several changes in the personel of the Foreign Office have taken place during the last autumn.

Hsiao Chang hsi and Li Hung tsao have both retired from it, and from all public life, in order to observe the three years mourning, which is required by Chinese law, on the death of their parents. The first named of these gentlemen has been in

in the Foreign Board for many years, the last named only about eighteen months. As neither of them took an active part in the business of the Board, their retirement is not particularly noticeable.

Their places have been filled by the appointment of Wang Wen-chao, and Chou Chia-mei. Of these, the former has been Governor of Hunan, and is now Senior Vice President of the Board of Rites. The latter has been, for years, the senior Secretary of the Foreign Office. They are, both, intelligent gentlemen, and seem disposed to participate actively in the business of the office.

Ching Hou, recently appointed Chinese

Chinese Minister to Russia, and Kuo Sung tao now on his return from the Chinese Mission to Great Britain, still remain in nominal connection with the Yamen, which now numbers eleven members, and contains all the Privy Council of State.

I have the honor to be,
Sir,
Your obedient servant.
Chester Holcombe

File

Wade

FOREIGN Relations 79

No. 84.

DEPARTMENT OF STATE
FEB 24 1879
RECEIVED

Legation of the United States.
Peking, December 5th, 1878.

Chester Holcombe to
the Secretary of State.

Subject.

Appointment of Chinese Minister to England.

Synopsis.

The Marquis Tseng, a son of the distinguished Tseng Kuo fan has been appointed to relieve the present Minister. He is avowedly friendly to foreigners and progressive in his ideas. He has acquired some knowledge of

the

English Language.

No. 84.

Legation of the United States.

Peking, December 5th, 1878.

Honorable William M. Evarts.

Secretary of State.

Sir:—

In the autumn of 1875., the Department was informed of the appointment, by the Chinese Government, of Kuo Sung tao as Minister to the Court of St James.

I have now the honor to inform you that, in accordance with the rules of the Chinese Diplomatic Service, H. E. Kuo has been granted permission to return to his native land, and the Marquis Tseng has been appointed as his successor

successor.

This appointment deserves something more than a passing notice. The Marquis is the son of the celebrated Tseng Kuo fan, who was one of the ablest statesmen of this country in modern times. He possesses, at least, a portion of his father's unusual ability, is about 40 years of age, an elegant Chinese scholar, and as avowedly progressive in his ideas, as his father was conservative.

Upon emerging from the retirement made necessary by the death of his parents, he came to this capital, where he has resided for the last year, awaiting his appointment to office. During this period, he has openly

openly cultivated the acquaintance of foreigners in both the diplomatic and missionary circles, making almost daily visits upon some of them, and inviting them freely to his house.

So far as my knowledge goes, he is the only Chinese high in rank, who has ever sought to learn a foreign language. While in mourning he applied himself to the study of English, and, although without an instructor, he made very fair progress, and is now able to make himself understood in it.

You will be amused to know that his only text books in this study were Webster's Unabridged Dictionary, the Bible, and a copy of "Watts

"Watts and Select Hymns" a book used fifty years ago in some of the churches in our country. As a consequence his idiom is somewhat peculiar.

In my opinion his appointment is highly to be commended as one eminently fit to be made, and promising the best results.

The Marquis, accompanied by his family and a numerous suite, has already sailed for Europe.

I have the honor to be,

Sir,

Your obedient servant.

Chester Holcombe

Ack'd 7 March
Mr Cook

Report as to charges in 1876.

C. R.
Copy to Consul at Canton
for Report. March 6th 1879

No. 11, 85.

One Enclosure.

Legation of the United States.

Peking, December 5th, 1878.

DEPARTMENT OF STATE
FEB 24 1879
RECEIVED

Chester Holcombe to
the Secretary of State.

Subject.

Charges against interpreter at Canton.

Synopsis.

Mr. Holcombe forwards a translation of a placard which has been posted about the streets of Canton, denouncing the interpreter to the United States Consulate. These charges have been made before, and should be investigated.

No. 85. One Enclosure.

Legation of the United States.

Peking, December 5th, 1878

Honorable William M. Evarts,

Secretary of State.

Sir:

Recurring to my despatch, number 82, in which I said that "complaints "of a grave character, against the "interpreter at Canton have been "repeatedly made within the last "three years", I have now the honor to hand to You, herewith, a translation 1/85. of a placard which was, as I am informed, extensively posted about the streets of Canton during the last summer.

Charges similar to some of those

those made in this placard, were brought to the notice of Mr. Seward in the early part of 1876, by certain of the American residents at Canton. Mr. Seward referred them to our Consul, who, after an examination, declared his opinion that they were without foundation. They have been reiterated from time to time since, and at last, as it seems, have been publicly posted about the streets of that city.

While it is but justice to Mr. Lincoln to say that, so far as I am informed, no one accuses or suspects him of collusion with his interpreter, it would seem that a thorough

investigation

investigation of these complaints should be made at an early day.

I have forwarded a copy of the Chinese text and translation of the placard to Hon. Lincoln.

I have the honor to be,

Sir,

Your obedient servant.

Chester Holcombe

4

Enclosure.

1. Translation of a placard which was posted in the streets of Canton in July 1878, denouncing the interpreter to the United States Consulate.

Despatch No. 85.
Enclosure.

Copy of a Placard, concerning Yü Hsiang

'I have heard that Confucius said, when a tiger escapes from his cage, no one is to blame but the keeper. Sun-Shu as beheading a serpent on the highway did not benefit himself alone. If tares are not eradicated, the blades will never become grain. If wicked persons are not exterminated, the people will hardly have peace.

Yü Hsiang whose style is Jui Yün, is an obscure person of Hsin-Ning-Hsien. Early in life he lost his father, and depended upon his mother, who lived with his maternal uncle whose name was Hwang, where he was reared until he became a man. He did not reflect that spears are necessary to catch fish, but took the surplus plums as a present to his friends, and sold the meat on the thighs to be eaten. He did not sacrifice to ancestors, and he did not know a character, how then, could he be acquainted with literature? But, luckily, married

Orig

pig is available for presents, and because of his acquaintance with foreign language, he unworthily occupied the position of American Interpreter.

As the majesty of the tiger is falsely assumed by the fox, he borrowed power to injure others. As the lust of the wolf is excited when the lamb crouches, so his acts were violent, and his intentions lawless. The crime of kidnapping is punished by the laws with great severity, nevertheless Yü-Hsiang audaciously allied himself with T'ang-I, Fei-chien and others, and came and inspected Sha-chi, Chu Kuang li and other places, and established a warehouse, under the style of Chi-ang-yüan yüan, enticing persons to be kidnapped, and sold to foreign lands. He thus enriched himself to the amount of between thirty and fifty thousand taels, and cut off posterity to the extent of not less than ten million lives.

The crime of gambling is severely treated by the laws, nevertheless Yü Hsiang

(audaciously

audaciously purchased a house at Sha-Chi, in which he opened a back door, hanging outside the sign of the — American Consular office, and setting up within a gambling establishment, until the matter reached the ears of the high authorities. He having hoodwinked and inveigled the Consul, then removed to — Sha-Mien, boasting of his superior sagacity.

Again he connected himself with and opened the Ch'ing Ping Yüeh, Fu Tê si, and other gambling houses receiving the money of the patrons and taking them under his protection.

He also allied himself with the traitor So-Chüan, both within and without the city, issuing notes of the White Dove, injuring others by destroying their families and dissipating their fortunes scattering incalculable poison.

Rape and prostitution, are severly treated by the laws, nevertheless Yü-Kuang took the children of respectable families at Tang-Yu-San and elsewhere, and put them into brothels which had been (previously

previously been officially closed, but which he reopened.

Yü Hsiang coveted the person and the wealth of one Si-yü-Jung, the concubine of a Foochow man named Ch'en-Jih-hsin, and plotted against her husband. He kidnapped the woman and stealthily fled, absorbing all her property, until she was ruined and her wealth exhausted, when he became alienated from her, and sold her, in consequence of which he incurred her deadly hatred.

He also took a fancy to a mandarin woman on the island of Honan, and compelled San-Su-Wei, an Inspector, to seize her and bring her back for his pleasure.

He is a prey to inordinate lust, and takes satisfaction in forcing the good to become evil.

Violation of the Revenue laws by smuggling, is a heinous offence, Yü Hsiang however was not afraid to league himself with a gang of ruffians (at

at Ti-Hai, building several swift boats, and preparing Artillery for the express purpose of smuggling, salt, opium, saltpetre, and other foreign goods for sale in Yang Ch'un, Yiang Chiang, Ee-ping, K'ai-chiu, Hsin-Ning, and Hsin-Hsin. He loaded a steamer, and hoisted the American flag, giving out that he was making excursions on the river, but in reality spying out spots where the Custom's Officers were relaxing their vigilance, thus associating with villans in order to fish for gain.

It is an unpardonable offence to hoodwink people by fraud, yet Yü Hsiang undertook indictments deceiving and inveighling the Consul, domineering over the Magistrates. For example, in the lawsuit of one Wei for a debt, that of one Pan, concerning a house in the suit of Chou Yü Chen Tan Chün Huang and others, wickedly and deceitfully injured good citizens, the number of there that he has thus named being not less than an hundred families.

The laws have an explicit section (with

with regard to clubbing together to plot treason; Yu Hsiang, notwithstanding, purposely joined a cabal of low characters in a league forming an association known as the Chang-I-Tsu - among civil officers, there was for instance, the District Magistrate of Kai-Ping, and among military officers the Colonel in command at Shun-Te, and the Inspector of the rank of Ensign, Chên Shu-Hsien, and others, coarse and inferior men all of them, and demented vagabonds. How was it possible that they should be equal to their responsibilities as shepherds of the people, and who would have supposed that the authority of Chinese and foreigners would have been combined in evasive devices. bound by an agreement with a bribe, and desirous only of gain? For example Ma Wang Shu was an irresponsible weak chief, whose money Yu-Hsiang received to the extent of three thousand taels, immediately and urgently recommending him as Ensign. From Chang Tsu who by pretended magic had killed a certain Fêng, Yu-Hsiang received four thousand taëls, and at once rescued him (from

from a criminal prosecution. Hsü Yüeh Ching, a poor man with nothing at all, unable to meet the extortions he suffered, was thrown into jail.

In instances like these, he acted presumptiously, to exercise his power, or promote his interests, and the Imperial laws — where are they?

According to both Chinese and foreign ceremonial, dress and head-dress vary in kinds, known as grades of rank, distinctions which cannot be violated — Yet Yu Hsiang in his intercourse with the authorities, wears the dress and dons the cap of a chinese official of the fifth rank, and furthermore has falsely pretended that he is a high American official, and does not kneel to native officials.

Whether he is a chinese or a foreigner is hard to say, and he acts neither as one of the official class nor as one of the people. He spurns decorum, and extinguishes self-respect, sporting with the laws. He is a nefarious rebel.

Now while the Empire is at peace and united, how can this seditious plotter

(be

be tolerated, recklessly breaking obligations, and acting tyrannically, bringing into contempt our country's laws and destroying the good in our land.

Both the English and French officials are all and equally modest and intelligent, but how American officers can suffer this kind of a man to injure our country, cannot be explained.

To point out his wickedness truly, if he were at this moment to be reduced to mince meat, and his bones to be powdered, still this would not meet a ten thousandth part of his guilt.

Now it is fortunate that the mirror of the high authorities hangs on high; his vile acts are exhaustively exposed. Every kind of evil association is successively exterminated, only Yu Hsiang the head & front of all - a rat under the altar, and a fox in the city - is not yet overtaken by the righteous laws. Hence this special placard.

Kwang Hsu, 4th year, 6th month.

July, 1878.

All the gentry and people in the province unite in this placard.

Ack C.P. Adm

No. 86. One Enclosure.

Legation of the United States.

Peking, December 6th, 1878.

DEPARTMENT OF STATE
FEB 24 1879
RECEIVED

Chester Holcombe to the Secretary of State.

Subject.

Exchange of ratifications of the Convention between Spain and China.

Synopsis.

Exchange completed to day. Forwards text in French and English, of the "Proces verbal." Steamship line is projected between Cuba and China. Señor de España leaving for Madrid to meet the Chinese Minister.

No. 86. One Enclosure.

Legation of the United States.

Peking, December 6th, 1878.

Honorable William M. Evarts.

Secretary of State.

Sir:—

Recurring to my confidential despatch, number 56, in reference to the exchange of ratifications of the convention executed between Spain and China in November of last year, I now have the honor to inform you that Señor de España returned to this city upon the 29th ultimo, and that to day he has formally exchanged the certificates of ratification with the Ministers of the Foreign Office.

As

As the form adopted on this occasion differs from that heretofore employed, Mr. de España has kindly furnished me with a copy of it in French, and I enclose it, accompanied by an English translation herewith.

1/86

I learn that a company has already been formed among the leading planters in Cuba with the object of establishing a line of steamships between that island and China in order to promote Chinese immigration. It remains to be seen whether this Government will show a greater readiness to allow their people to go to Cuba, under the new Convention, than they are showing with reference to free

emigration

emigration to Peru.

Mr. de España will leave this city tomorrow for Madrid, having been summoned thither to meet the Chinese Minister, Chen Lan Pin.

I have the honor to be,

Sir,

Your obedient servant.

Chester Holcombe

4

Enclosure.

1. Procès Verbal for the exchange of ratifications of the Convention of November 17th, 1877, between Spain and China.

Despatch No. 86,
Enclosure.

Procès Verbal

La convention en 16 articles relative à l'émigration des sujets chinois à l'ile de Cuba, et au traitement qu'on leur y accordera, conclue à Pékin, le 17 Novembre, 1877, par les Plénipotentiaires d'Espagne et de la Chine et rédigée et signée en trois langues, Espagnole, Française, et Chinoise - en double expédition dont chacune des Hautes Parties contractantes a gardé un exemplaire dûment collationné et trouvé exact et concordant, ayant été soumise à la Haute Sanction des Souverains des deux Pays et approuvée par Leurs Majestés; les Plénipotentiaires des deux Hautes Parties contractantes qui ont designé à cet effet, savoir; Pao, Ching, Tung, Wang, Hsia, Chou, se sont réunis aujourd'hui le 6th Decembre, 1878, au Ministère des Affaires Etrangères de Sa Majesté l'Empereur

l'Empereur de la Chine, à l'effet de procéder à l'échange des actes de ratifications se composant; d'une part, d'une copie des textes Espagnol et Français de la dite Convention avec un décret de Sa Majesté le Roi d'Espagne portant Sa signature et son sceau Royal; et de l'autre, d'une copie du texte chinois de cette même Convention avec un décret de Sa Majesté l'Empereur de la Chine portant le cachet de Son sceau Impérial.

Les instruments de ces actes ayant été collationnés et trouvés parfaitement exacts et conformes aux textes de la Convention signée le 17 Novembre, 1877, il a été déclaré des deux côtés, que les stipulations des 16 articles contenus dans les instruments qui sont échangés aujourd'hui, ainsi que dans la Convention en trois langues qui a été signée le 17 Novembre, 1877, par les Plenipotentiaires des Hautes Parties contractantes, seront à l'avenir loyalement observées et strictement executées.

En foi de quoi, après avoir opéré l'échange des dits instruments les Plénipotentiaires sus mentionés ont dressé et signé le present procès-verbal auquel ils ont apposé le cachet de leurs armes.

Fait à Péking, le 6th. Decembre, 1878, en trois Langues Espagnole, Française et Chinoise, en double espédition dont un exemplaire rest en possession de chacune des deux Hautes Parties contractantes.

Translation

Minutes of proceedings.

The convention in 16 articles relative to the emmigration of Chinese subjects to the island of Cuba and to their treatment while there, concluded at Peking, the 17 November, 1877, by the Plenipotentiaries of Spain and China, and written and signed in three languages Spanish, French & Chinese, and in two copies one of which being retained by each of the High contracting Parties, which copies being duly compared and found to be exact and concordant were submitted for the approval of the Sovereigns of each Country, and having obtained the sanction of Their Majesties. The Plenipotentiaries of the High contracting Parties having deputed, for this purpose; viz: Pao, Ching, Tung Wang, Hsia, Chow, have assembled this 6th day of December, 1878, at the Foreign Office of His Majesty

[the

the Emperor of China, with a view to an exchange of the ratifications — comprising on one hand, a copy of the Spanish and French text of the said Convention, with a decree of His Majesty the King of Spain bearing His signature and Royal seal; and on the other hand, a copy of the Chinese text of the same Convention with a decree of His Majesty the Emperor of China, bearing the stamp of His Imperial seal.

The stipulations of these ratifications being compared and found to be in — conformity with the text of the Convention signed the 17 November, 1877, It is declared on both sides, that the stipulations — contained in the 16 articles comprising the ratifications exchanged this day, and in the Convention written in three — languages and signed the 17 November, 1877, by the Plenipotentiaries of the High contracting Parties, shall henceforward be loyally observed and strictly performed.

In witness whereof, after effecting an exchange of the said ratifications, the

(above-

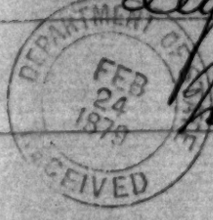
above mentioned Plenipotentiaries have drawn up and signed these proceedings to which they have put their national seals.

Written at Peking, the 6th day of December, 1878, in three languages, — Spanish, French and Chinese, and in two copies one of which is retained by each of the High contracting Parties.

Examine C.P. Wadn

No. 87. One Enclosure.

Legation of the United States.



Peking, December 6th, 1878.

Chester Holcombe to

the Secretary of State.

Subject.

Statement of salary account.

Synopsis.

Mr. Holcombe forwards a statement of his account for salary from June 7th to September 30th, inclusive. Also refers to the Department's instruction, number 247, and remarks upon the justice of allowing him some additional compensation when in charge of Legation.

No. 87. One Enclosure.

Legation of the United States.

Peking, December 6th, 1878.

Honorable William M. Evarts.

Secretary of State.

Sir:—

I have the honor to hand to you, herewith, a statement of my salary account from June 7th to September 30th, inclusive, being at $6,000 per annum from June 7th to June 30th, as authorized in your instruction, number 247, and at my regular salary of $5.000 per annum from July 1st to September 30th. 1/87.

A duplicate statement will be sent by the next mail.

Recurring

Recurring to the concluding remarks in your instruction already mentioned, I beg leave to thank you for them, and to say that, as a matter of actual and necessary expense, it costs me several hundred dollars more in each year to keep up the Legation in a decent manner when alone, than when a Minister is also here. And as, in addition to this, my labor is, at least, doubled, and my responsibilities increased ten fold by the absence of the Minister, it would only seem reasonable that some additional compensation should be allowed me.

I have the honor to be,

Sir

Sir,

Your obedient servant.

Chester Holcombe

Enclosure.

1. Statement of Asst. Holcombe's salary account from June 7th to September 30th, 1878, inclusive.

1878
June 8
" 3

Sept 3
"

The United States in a/c

1878		Dlrs.	
June 8.	To balance brought forward	$ 3	04
" 30	" salary as Chargé d'Affaires from June 7th to date at $6000 per annum	379	12
" 30	" salary for quarter ending with date @ $5000 per annum	1250	00
" "	" balance carried forward	145	90
		$ 1778	06

E. & O. E.

Chester Holcombe

Chargé d'Affaires.

with Chester Holcombe.

1878		Cr.	
Nov. 12	By my draft on Hon. Secretary of State as per his instruction, number 247.	$ 379	12
" 25	" gain by exchange (see voucher)	26	94
Sept. 30	" my draft on Messrs. Morton Rose & Co for £256 " 17 " 2 (s d)	1250	00
Oct. 16	" gain by exchange (see voucher)	122	00
		$ 1778	06
Oct. 1	By balance carried forward	$ 145	90

Legation of the United States.
Peking, December 6th/4, 1878.

Despatch No. 87.
Enclosure.

Statement of salary account.

June 7th/4, 1878. to

September 30th/4, 1878.

Original

I the undersigned, do hereby certify that I have this day purchased from Chester Holcombe Esq: Chargé d'affaires of the Legation of the United States at Peking, his bill on Secretary of State Washington, dated Peking 19th November 1878 at fifteen days sight, for sum of Gold $379.12 and have paid him therefore the sum of Mexican Dollars Four hundred six .06, which is at the rate of 80 7/8 cents per Gold Dollar, and 73.2 cents per Mexican Dollar, and is the highest rate which can be obtained for such bills in this market, after deducting the sum of Mexican Dollars eight 8.28 from the assets to cover a charge of two per cent for exchange between this place and Peking.

Shanghai, 25th November, 1878.

FOR THE HONGKONG & SHANGHAI
BANKING CORPORATION.

J. Walker

..... Manager.
Actg:

—Original—

We the undersigned, do hereby certify that we have this day purchased from Chester Holcombe Esq: Secretary and Interpreter of the Legation of the United States at Peking, his bill on Messrs. Morton Rose & Co. of London, dated Peking 30th. September 1878 at one days sight, for sum of £256 17/2 and have paid him therefore the sum of Mexican Dollars thirteen hundred & seventy two, which is at the rate of 5/1 1/16 per tael, and 472 2 tael cents per Mexican Dollar, and is the highest rate which can be obtained for such bills in this market, after deducting the sum of Mexican Dollars twenty eight from the assets to cover a charge of two per cent for exchange between this place and Peking.

Shanghai, 16th. October, 1878.

FOR THE HONGKONG & SHANGHAI
BANKING CORPORATION.

.....Manager.

Wade

No. 88.

Legation of the United States.

Peking, December 7th, 1878.

DEPARTMENT OF STATE
FEB 24 1879
RECEIVED

Chester Holcombe to the Secretary of State.

Subject.

Receipt of Department instruction.

Synopsis.

Instruction, number 248., and a circular "No. 81" from the Treasury Department have been received.

No. 88.

Legation of the United States.

Peking, December 7th, 1878.

Honorable William M. Evarts.

Secretary of State.

Sir:—

I have the honor to acknowledge the receipt of your instruction, number 248., and also of a circular issued from the Treasury Department — "No. "81." — in relation to "Tourists "Effects."

I have the honor to be,

Sir,

Your obedient servant.

Chester Holcombe

State. C. P.

Wood + Wade

No. 89. Four Enclosures.

DEPARTMENT OF STATE
FEB 24 1879
RECEIVED

Legation of the United States.
Peking, December 9th, 1878.

Chester Holcombe to
the Secretary of State.

Subject.

Foo chow Consulate.

Synopsis.

Mr. Holcombe, having been notified that Mr. Cheshire has taken charge, has issued a temporary commission to him, which Mr. Bailey has been requested to forward, in case the necessary forms of law have been complied with. Encloses copies of the

the correspondence, and asks the approval of the Department.

No. 89. Four Enclosures.

Legation of the United States.

Peking, December 9th, 1878.

Honorable William M. Evarts.

Secretary of State.

Sir:-

Referring to my despatch number 80., which covered a copy of a letter from our Consul at Tsochow in which he stated that he was about to turn over his office to Mr. F. H. Cheshire as Vice Consul, and to my action in connection therewith, I now have the honor to hand to you a communication which I have received from Mr. Cheshire, announcing that he has taken charge. 1/89

As

As it has thus become evident that Mr. Mc Leavy has left Foochow, and as it seems extremely undesirable to leave that important post practically vacant for any considerable berth of time, I have thought it best to issue a temporary commission to Mr. Cheshire, empowering him to act, until your pleasure in the premises
2/89 can be made known. I enclose
a copy of my despatch to him,
3/89 and of the form of commission
issued.

These papers have been sent forward under cover to the Vice Consul General, with the
4/89. request that they be sent to their
destination

destination, only in case Mr. Cheshire has been properly nominated to the Department as Vice Consul by Mr. Mc Lane, and his nomination approved by the Vice Consul General, and only in case his bond has been executed as required by law.

If these conditions have not been complied with, I have requested Mr. Bailey to return the commission to this Legation.

I have hesitated somewhat at taking this course, but it seems to be the only way to avoid the embarrassment caused by the irregular action of Mr. Mc Lane in leaving his post before the commission of Mr. Cheshire had been

been received from the Department, and his exequatur secured.

I hope that, under these circumstances, you will be able to approve my action.

I have the honor to be,

Sir.

Your obedient servant.

Chester Holcombe

Enclosures.

1. Mr. Cheshire to Mr. Holcombe
   No. 116. November 20th, 1878.
2. Mr. Holcombe in response.
   No. 67. December 9th, 1878
3. Form of commission issued.
4. Mr. Holcombe to Mr. Bailey.
   No 148. December 9th, 1878.

Despatch No. 89.
Enclosure 1.

Mr. Cheshire to Mr. Holcombe.
No. 116. November 20th 1878.

Sir:-

I have the honor to inform you that I have this day taken over charge of this Consulate from Mr. Consul De Lano.

I beg to assure you that it will at all times give me much pleasure to co-operate with the Legation and Consular representatives of our Government in all matters tending to the advancement of American interests.

I have, &c &c,
(signed) Cheshire (F. D.)

Despatch No. 89.
Enclosure 2.

Mr. Holcombe to Mr. Cheshire.
No 67. December 9th 1878.

Sir:

I have received your despatch, number 116, of the 20th ultimo, informing me that you have taken over charge of the Consulate at Foochow.

Referring to my despatch, number 66, to Mr. DeLano, and to my letter of the 2nd instant to you, I have the honor to inform you that, as your Commission from the Secretary of State has not been received, as Mr. DeLano has left his post, and as it appears inadvisable to leave the Consulate at your post practically vacant, I have issued a temporary commission to you as Vice-Consul, which I enclose herewith.

You are therefore at liberty to proceed with the duties of your office.

I am, &c &c,

(signed) Chester Holcombe.

Despatch No. 89.
Enclosure 3.

Legation of the United States.

Peking, December 9th, 1878.

Know all men by these presents: —
that, reposing special trust and —
confidence in the fidelity and ability
of F. D. Chesshire, I do now, by virtue
of the authority vested in me as Chargé
d'Affaires, ad interim, of the United
States in China appoint the said
F. D. Chesshire to be Vice Consul of the
United States, for the time being at
the port of Foochow, and do hereby
authorize him to perform the duties
and receive the emoluments belonging
to that office, until the pleasure of
the Honorable Secretary of State can
be made known.

In witness whereof, I have
subscribed my name, and caused the
seal of this Legation to be affixed,
this 9th day of December, 1878, and
the 103rd year of the independence of
the United States.

Seal of the U.S. Legation

(signed) Chester Holcombe,
Chargé d'Affaires, ad interim.

Despatch No. 89.
Enclosure 4.

Mr. Holcombe to Mr. Bailey

No. 148.

Sir;-

Recurring to my despatch, number 66, of the 2nd inst. to Mr. Consul De Lano, and to my letter of the same date to Mr. Cheshire, in both of which I declined to recognize the last named gentlemen as authorized to assume charge of the Consulate at Foochow, I have the honor to inform you that I am sending herewith unsealed, and under cover to you, a temporary authority for Mr. Cheshire to act as Vice-Consul at the port named.

If the records of your office show that Mr. Cheshire has been properly nominated by Mr. De Lano to the post mentioned, that his nomination has been approved either by yourself or Mr. Stahel, and if his bond has been duly executed as required by law, please forward my despatch and its enclosure to its

(destination

destination.

If these necessary forms have not been complied with, be so good as to return the papers to this Legation.

I am, &c, &c,

(signed) Chester Holcombe.

Approve C. P. Wade

Rec'd, with approval Feb. 13. 1879 Mr Polk

No. 90. Three Enclosures.

Legation of the United States.

Peking, December 10th, 1878.

DEPARTMENT OF STATE FEB 6 1879 RECEIVED

Chester Holcombe to the Secretary of State.

Subject.

Claim of Messrs. Russell & Company against certain Chinese at Hankow.

Synopsis.

Refers to Mr. Seward's despatches, numbers 417, 423, and 430. The Intendant still declines to grant a trial of the case. Misunderstanding between him and Mr. Shepard due to mistranslation by our interpreter

Mr.

Mr. Holcombe has instructed Mr. Shepard to renew his request for a trial using due care in the translation of his despatch, and has appealed to Prince Kung to issue further instructions to the Taotai. Asks the approval of the Department.

No. 90. Three Enclosures.

Legation of the United States.

Peking, December 10th, 1878.

Honorable William M. Evarts.

Secretary of State.

Sir:—

Mr. Seward's despatches, numbers 417, 423 and 430, informed the Department of the details of a claim of Messrs. Russell & Company, at Hankow, against a certain Chinese named Lin Hsing fa, and his surety, Shen Lou shan, for advances made upon a quantity of coffin timber, of the refusal of the Intendant at Hankow to grant a proper trial in the case, and of Mr. Seward's negotiations here, which resulted in a promise, made

made by the Foreign Office, that their officer should be instructed to try the case in open court, inviting our Consul to be present and watch the proceedings in the interests of justice. In your instruction, number 234., you approved Mr. Seward's course.

I have now the honor to hand to you a copy of a despatch, with numerous enclosures, which I have received from Mr. Consul Shepard. From it you will see that, although eight months have elapsed since the arrangement with the Foreign Office mentioned above was reached, and much correspondence has passed between the Consul and the Lieutenant, no trial has yet been

1/90.

been granted, and the issue is still undecided.

That correspondence adds unexpected and unwelcome emphasis to the remarks made in my despatch, number 82, as to the importance of having competent interpreters at our Consulates. For, by a serious error in the translation into Chinese of Mr. Shepard's despatches to the Taotai — an error which is repeated in each of them — it has happened that, while in the English text, he has renewed and urged his request for such a trial of the case, as was asked here by Mr. Seward and granted by Prince Kung, in the Chinese text he has

has been demanding a trial in which he should sit as joint and equal judge with the Taotai.

This error in translation is more fully explained in a despatch which I have addressed to Mr. Shepard, and a copy of which is enclosed. In it I have instructed him to apply again to the Intendant for a proper hearing of the case, and have cautioned him to see to it that his despatch is so worded, in both the English and Chinese texts, as to avoid all possibility of any further misunderstanding as to his own status in the court.

2/90.

3/90. I have also addressed Prince Kung in the business, requesting him to issue explicit instructions

to

to the Chinese Intendant to proceed at once to try the case of Russell & Company versus Shen Lou Shan, and to inform him that, in the trial, he alone is to sit as judge, but that he is to invite the Consul to be present, to produce evidence, cross examine witnesses, and, in general to watch the proceedings in the interests of justice.

I hope in this way to bring the business to a conclusion.

Asking your approval of my action,

I have the honor to be,

Sir,

Your obedient servant.

Chester Holcombe

Enclosures.

Enclosures.

1. Mr. Shepard to Mr. Holcombe
   No. 25. November 14th, 1878.
2. Mr. Holcombe in response.
   No. 56. December 5th, 1878.
3. Mr. Holcombe to Prince Kung
   7/1878. December 6th, 1878.

Despatch No. 90.
Enclosure 1.

Mr. Shepard to Mr. Holcombe,
No. 25 Hankow, November 14th, 1878.

Sir:

I have the honor to acknowledge receipt, on the 8th instant, of your No. 52, making inquiries as to the final disposition of the case of Russell & Co. vs. certain Chinamen in the matter of Coffin Wood. In response I have respectfully to say that when your despatch reached me I was engaged in a preparation of the correspondence to forward to you, which I herewith transmit with such a statement of the present Status of the case as you suggest.

Subsequent to my communication with the Minister in January no further progress was made till March; early in which month, and before the reception of your No. 46, with its 4 inclosures, the Taotai's Deputy called upon me by the written appointment of his Superior, His ostensible object was "to learn my views," - his real

(one

one apparently to give me the impression that the Tsung Li-Yamên had decided that any joint investigation was out of the question. He informed me that the Taotai had presented to the Vice Roy the whole case, and the latter had decided the Taotai was correct in refusing me the examination of the evidence as I had demanded. He gave the impression also, without saying it in set terms, that such was the advice of the Yamên. He endeavored to draw from me the particulars and nature of the evidence I proposed to produce by a variety of questions, but I persistently declined to enter into a discussion of the merits of the matter with him, assuring him that nothing less than an investigation in form in my presence could be accepted, — that on the refusal of that I had appealed the whole case to the American Minister, — that I considered the principle involved a most important one, and could not yield it, nor

threat

treat while it was ignored, until I had authentic and authoritative decision of the point I claimed through my Minister. I farther added that I had probably made a fuller report than the Taotai, and it was possible that even the Vice Roy might take a different view when all the incidents were fully comprehended. The interview lasted nearly two hours, but nothing beyond this transpired. This conference was followed almost immediately by the Taotai's communication No. 1.

It will be observed that the Intendant persistently refused an investigation in my presence. He does this on the grand that it is not required by the Tsung-li-Yamên, and that "the circumstances of the case are already quite plain", (See No. 3, page 6.) Notwithstanding this assertion view he had reported to Prince Kung that "the case was exceedingly complicated". He farther asserts in advance of investigation, that he "shall not comply with the request" to have

(Shin Tou-Shan

Shin-Tou-Shan" make payment of the money."
(See No 4, p. 10) On this declaration I first specially brought to his notice than Shin-Tou-Shan had personally borrowed of — Russell & Co. Taels 200, giving them his bond therefor with a Deed of property for their security, and was personally liable for at least that portion of the account. To this he pleads that the borrower is exonerated from paying his individual debt, because Russell & Co "would not authorize the sale" of the merchandize. This assertion is a total supervision of the facts, as would be shown if he would allow the evidence to be heard, as they were continually, for nearly eighteen months, demanding that the property should be taken — possession of. The facts were, that there never was a time when a sale could be made without loss, and hence the shipper and his agents continually neglected and refused to pay the — advances and take delivery.

At the same date the

(Taotai

Taitai again proposed to send his deputy "to learn my opinion". To this I replied in my №199, May 2, (see №8, p.19) in which I once more placed the case before him as plainly as I could command language to do it. I declined to meet the Deputy for reasons given, special to the Status of this case, which he could not have misunderstood, although his reply implies that he did so. He met my conditions, however, and came himself on the 3rd of June.

At this interview I discussed the nature of the investigation I demanded, showed the absolute necessity for it, and demonstrated to him several points on which he was clearly uninformed or misinformed. To his constant plea that Russell & Co had violated the contract by selling the wood in any event, I showed him that it was constant and necessary mercantile custom to sell property to meet advances on it, when payment was neglected or refused by the Consignors, - always, of course, guarded by the protection of legal

(surroundings,

surroundings. I asked if he did not know this fact, - but he avoided the question. I added it was frequently done by the Chinese Merchants Company, with whose business I knew he was familiar, He expressed great surprise at my statement, as if it were a new revelation. I then informed him as a fact in evidence in the case we were discussing, and which he had so summarily made a quasi decision of, that Bills of Lading were issued in triplicate with each shipment of the Timber, - one of which was given to the Shipper, - one to the steamer captain, - and one sent to the Consignee; that on each one of these Bills there was a contract in Chinese, authorizing and empowering Russell & Co. to sell the wood if delivery was not taken and charges paid in thirty days. That the Shipper held his copy as evidence of his property, and must present it on redeeming it as his only means of identification: That the Shipper of this wood had held such a Bill, with

(such

such an obligation in Chinese upon it for every seperate Shipment he had made, and that when Shin-Tow Shan undertook to make sale of the wood he probably came into possesion of them as an authority on which to take delivery of the property, for such things were clearly understood among Chinese. But whether he did or did not was immaterial, for the fact was they existed, and in assuming the business he assumed all the obligations to Russell & Co. that these Bills implied, and which they had never, at any time, nor by any act, vacated. But instead of forcing a sale in thirty days to repay themselves they had generously waited at the demand of the Shipper to enable him to secure a better market. The Taotai seemed much struck by this statement, and asked me to repeat it, which I did at length. He then said emphatically — "We do "not need to discuss it farther, — this "puts an entirely different face to the "matter. — if you will prove this to me,

(or

". or show me the Bills, I will settle the case at once."

The interview was followed by my No. 205, of June 8, which explains itself. (See No. 10 p. 23.) I had in the meantime procured from Russell & Co., copies of Bills of Lading similar in all respects to those given on shipment of the Coffin-Wood, and I also obtained the identical Chinese block from which the conditions of sale were printed on every Bill of Lading on which they made advances. I append one of the proofs of the block, with its translation, to the inclosures herewith. (See No. 15 p. 31) I also solicited Russell & Co. to make search for the original Captain's copies of Bills of the Wood Shipment, and some time after they were found, and are in my possession. The Taotai's reply to my No. 205 (see No. 11. p. 25) is worthy of his previous course, and unquestionably means that he intends to do nothing in the way of justice. I delayed to reply because I wished first to secure the original Bills: but on the 5th inst. I wrote my No. 230 (see No. 12. p. 26)

(to

to bring the case to a point to send to you for counsel. I append the Intendant's answer, and a press copy of my reply. (No 14 p. 28).

I need not argue the points, for that belongs to the official investigation when the proofs are presented. You will readily gather them from the inclosures. But I do most earnestly protest against the persistent wrong of the Intendant's course, and against the High Authorities of the Empire allowing an official to so override Treaties, Superior direction and Common justice in matters so important. Not only our own, but other civilized people are vitally interested, and I do not question that your important influence will be given to force this man to give us at least a show of fair and respectable treatment. An unbiased decision I do not look for, after such insistent committal to a special view.

I am, &c,

(signed) Isaac Shepard.

Translation. 13th March, 1878.

Hsu, Taotai of Hankow, makes the following communication:

I received the Hon. Consul's despatch of 3rd December 1877, informing me that in the administration of the case of Shin Tou-Shan I have not acted in accordance with the Treaty, which provides for joint investigation, and that you cannot consent to my procedure until — authorized by the Minister at Peking. Your despatch like this has been received.

I have repeatedly stated the aspects of this case plainly, and I accordingly made copies (of our correspondence) and forwarded the same to the Vice-Roy with a request for him to represent the matter to the Tsung-Li-Yamên for its — attention; and I naturally waited for a reply before I moved in the matter again. For this reason I

(did

did not reply to your despatch at that time.

On the 4th February, 1878, I received a reply from the Vice Roy which informs me that on the 21st same month he received an answer to his representation to the Tsung Li Yamen, viz: "As "Hsieh-Hsia-Yuan and associate are both "Chinese - naturally they have no "connection with the XXVIII art. of the "American Treaty, which provides for "joint investigation, and the action of "the Taotai in not holding an "investigation with the Consul is "quite in order. Accordingly inform "the Taotai.

I have received the Vice Roy's despatch as above, and act accordingly, and acquaint you with the contents of same, and request that you will give your attention to this necessary communication, &c. &c. &c.

To the American Consul Shepard, &c. &

Mr. Shepard, to The Taotai.

No 184. April 13th 1878.

Sir:-

On the 13th of March, I had the honor to receive a communication from your Excellency In Re — Russell & Co., informing me that your action, declining a joint investigation, had been approved at the Tsung. Li-Yamên. I delayed to reply at that time because I had made a full report of the case to the United States Minister at Peking, with copies of all the correspondence between us, and I knew that no action could then have been taken on my appeal.

I have now the honor to inform you that I have received a despatch from Peking, with a copy of a note from the High Prince Kung to the U. S. Minister, dated March 14th, 1878, in which he states that he has directed the Vice Roy of Hunan and Hupeh to instruct your Excellency to examine

(the

the case in my presence, as I have interpreted the Treaties to require. Whenever you receive the official instructions in the matter I will be ready to confer with you, and agree upon the time for the hearing, as may best suit your Excellency's convenience. I will then produce all the testimony that Messrs Russell & Co wish to offer, as well also listen to, and take note of, whatever the Chinese defendant has to produce. Trusting the case may thus be settled both justly and amicably.

I am, &c.,

(signed) Isaac T. Shepard.

Translation 19th April, 1878.

Hsu, Taotai of Hankow, makes the following communication.

On the 13th Inst. I received your despatch In Re Russell & Co. V. Shin-Tou-Shan, informing me that you have received the Minister's reply to your representation, and also a copy of a note from Prince Kung, dated 14th March, 1878, which was to the effect that the Viceroy of the "Leang Hu" had been directed to instruct the Taotai to act in the presence of the Consul in the administration of this case. You say that this agrees with your interpretation of the Treaty provisions and you ask for me to arrange with you for a day to jointly investigate this case, as soon as I have received the Viceroy's despatch. x x x x x.

On the 28th March, I received a despatch from the Viceroy as follows; "I have received from the Tsung. Li-Yamên the following communication."

(In

"In the matter of Russell & Co. v. Liu-Shin-
"Ta, a despatch has been received from
"Minister Seward requesting that the
"Taotai be instructed that the investiga-
"tion of this case ought to take place in the
"presence of the Consul. At the time of its
"receipt objection was made to the Minis-
"request, which is on record. About that
"time Minister Seward [ ] sent his
"Secretary, Holcombe [ ] to consult
"upon the matter in person, at the —
"Yamên. He, [Holcombe,] said that it is
"for the Taotai to decide this case, and
"that the Consul could do no more than
"to be present at the investigation and
"hear the trial. If the Taotai [said Mr.
"Holcombe] had previously invited the
"Consul's presence to hear the case tried,
"of course the foreign Merchant would
"have been requested to be present with
"his three assistants also. This was the
"substance of Secretary Holcombe's —
"observations.

"The Minister's despatch was answered,
and copies of his letter and reply to same

Care

"are now forwarded to the Hon. Vice Roy.
"Please request the Taotai to act with
"care in the administration of this case.

"I received the Tsung-Li-Yamên's
"despatch as above and I communicate
"the same to you for your guidance in
"discharge of this affair.

The Vice Roy's despatch as above was received. I observe that in this case there is only one point upon which we do not agree, viz, the subject of a joint investigation, and because of that we have been engaged upon this case for months, and still are unable to settle it. The official reply I have just received contains copy of Minister Seward's despatch, as well as Secretary Holcombe's observations made in consultation with the Tsung-Li-Yamên; all of which is plainly to the effect that this case ought to be decided by the Taotai and the Consul to do no more than to be present at the investigation. There is nothing about having a joint investigation whatever. Now the Hon. Consul, in accordance with

(former

former requests desires me to appoint a day for such a joint investigation, which would be very difficult for me to do. Besides this the circumstances connected with this case are already quite plain. There is nothing to ask Shin-Foo-Chan and there would be no necessity to summon his attendance. I have petitioned the Vice Roy to communicate (with the Tsung-Li-Yamên) to request Minister Seward to instruct the Hon. Consul to follow this course in closing the case.

In determining the particulars of the affair I repeatedly sent you official communications, which are now recorded. I forward to you to day a letter recapitulating the whole circumstances in plain terms. I have to ask the Hon. Consul to act in accordance with justice in the closing of this matter, and I really hope you will be willing to do so without delay.

A necessary communication.

To the American Consul Shepard &c

Translation 19 April 1878.

From Ho, Taotai, to Mr. Shepard.

This letter is written in the matter of Russell & Co. v. Shin-Tou-Shan.

In this case I have repeatedly officially communicated with you, and I now very carefully repeat my statements for your attention. I observe that Shin-Tou-Shan is connected with this affair as bondsman, and in settling the case we must go by his bond, which is — according to justice.

On 9th November, 1877, you sent me a copy of the Bond, and your despatch stated it is a correct copy, So the foreign Merchant can offer no objections to its authenticity. The Bond plainly stated that Shin-Tou-Shan should sell the wood and repay the money, in doing which he would only be acting for Lin-Shin-Fa. If the selling of the wood did not pass through his hands, of course, the debts of Lin-Shin-Fa [ ] do not in the least concern him.

(On the

On the 11th December, 1877, I received your despatch saying that the wood was sold by Russell & Co themselves. Now in so doing the foreign firm did not act in accordance with the terms of the Bond; therefore they have nothing to say against my view.

In all matters of obligations guarantees must be used as proof; and the fact of Russell & Co not having acted according to the Bond is their own fault. As Shin Tou Shan did not sell the wood, it is not right to expect him to repay the money. This is my decision of the matter according to justice.

I cannot credit the statement that Shin-Tou-Shan was unwilling to sell the wood, for the reason that Hwang-Ching-Hsin [ ] really went to Tientsin and died there. Even up to the present time his remains are not brought to Hankow. If Shin-Tou-Shan was unwilling the wood should be sold why did he send Hwang-Ching-Hsien to Tientsin? Moreover the firm (now

now represent their claim against Shin-
-Tou-Shan through you, but why did
not Russell & Co communicate with their
Consul at the time Shin-Tou-Shan was
unwilling to sell the wood?, when you
could have requested my attention to the
matter. It is plain to us that Russell & Co
did not follow the guarantee, as they
themselves sold the wood, so they have
still less to offer to strengthen their case.

By your despatches alone, without
even examining Shin-Tou-Shan, Hsieh-
-Hsiao-Yuan [ ] and Hwang-Hsiao-
-Fang, I can easily see that the foreign
firm has not acted properly.

Although Minister Seward and
Secretary Holcombe have requested that
you should hear the case tried, the —
circumstances are, however, so plain that
any further investigation is unnecessary.

The capital which Liu-Shin-Ta
had in this transaction was some —
thousands, on which he calculated to make
profit. Now the man is dead, no profit
has been made, and even there is —

(uncertainty

uncertainty about the Capital. The case caused the death of Hwang-Ching-Hsin in a distant place, Shin-Tow-Shan has waited half a year for the settlement of the affair which is still in litigation. Now supposing for instance Russell & Co. had been subjected to so much wrong, what would the Hon. Consul do in the matter? In the superintendence of the general trade I use no distinction between Foreigners and Chinese, and during the two years we have been acting together I have always deliberated with you upon all matters (not taking upon himself to decide) because it is my desire to be on continually friendly relations with you. In all cases ponible I act in accordance with your views. But with respect to requiring me to enforce Shin-Tow-Shan (without regard to any justice), to make payment of the money, I certainly shall not comply with the request, I really wish the Hon. Consul would instruct the foreign firm to return the "House Deed" at once, which belongs to Shin-Tow-Shan

(and

and thus close the case, and to avoid any further litigation between the parties. X'X I send this note with the express purpose of consulting you, and now wait your answer.

Wishing you health &c, &c.

Mr. Shepard to Ho, Taotai.

No. 191 May 8th 1878.

Sir:-

On the 20th of April I received your reply to mine of the 13th in the matter of Russell & Co. against Shin-Tou-Shan and the Coffin-Wood business. I was greatly astonished to learn that you had been in possession of instructions from Peking for nearly a month without informing me of the fact until I wrote to you. I trust never to show such official discourtesy to your office, in retaining important information until circumstances bring it to light.

Your long letter of recapitulation is of no value whatever, since it does not alter one single fact, nor in any way give me satisfaction for your unjust course, in refusing me an impartial investigation of a most important case. Even if your assumed decision were right it would make no

(difference,

difference, for it is my treaty privilege to be present and hear the examination, and I think it is demanded in the interest of justice, and therefore insist upon it. The simple facts are these: 1st My countrymen make a demand against a Chinese citizen, and you assume to decide it. 2nd I am not content, and ask a full investigation in my presence, according to the Treaties. 3rd You absolutely refuse this, and I appeal it to Peking. 4th Your own authorities decide I am right, and you refuse obedience to the instructions. In view of all this you must allow me to say your persistant refusal to learn the facts in the case has very much the appearance of a determined unwillingness to allow justice to be done. Else why do you so absolutely refuse what I so reasonably ask? I am forced to say very plainly, you have in fact made no examination at all, and in your forced interpretation of the Bond you have violated every

(principle

principle of commercial honor and business integrity. A copy of a document is never admitted as proof when the original can be produced, and you refuse to let me produce the original. Moreover, usage, interprets all documents, and you utterly refuse to be informed by hearing evidence in the matter. I therefore again notify you I shall accept of nothing less than I have asked, and I utterly deny you any right to assume to settle the case in any other way.

I can not more clearly recapitulate the wrong you are doing my countrymen and my Government than I have done in previous despatches to which I refer you. But I will call your attention to one simple point, which I have been silent upon in order to see if you would notice it yourself. You have taken the ground that Shin-Tse-Shan of himself had no connection with the business, and therefore was not responsible to Messrs Russell & Co. But you forget that Shin-Tse-Shan himself went to Russell & Co

(Borrowed

borrowed of them Ts. 200 which debt is a part of the account, and gave them his note which I hold, for the amount, and also the Deed of property to secure its payment, as well as his other indebtedness, agreeing in writing to refund in three months, and it is expressly stipulated that the Deed is to be surrendered only when the debt is fully paid. Now you have three times demanded of me the surrender of this Note and Deed without the payment of a single cash of the debt, and you call it justice! If you can invent a more unjust and arbitrary decision to shield a man who does not intend to do right, then I am not able to comprehend truth and fairness.

I once more notify you the examination is made only the more necessary from your repeated wrong acts, and it must be had as the only way to a settlement, or I shall protest against your course with all the influence I can command with the highest authorities, and insist that the Imperial Government shall be held for the pecuniary loss of my countrymen.

I am, &c.
(signed) Isaac T. Shepard

Translation 20th May, 1878.

Ho, Taotai, to Mr. Shepard.

I received your despatch In Re Russell & Co., v. Shin Tou Shan, wood transaction, on the 11th May, 1878, which states that I determinedly refuse a joint investigation of this case: and that I am not willing to act in accordance with justice, You also say that Shin-Tou-Shan himself went to Russell & Co. and borrowed the Taels 200 for which he gave a receipt, and also his "House Deed". Now as the debt is still unpaid the receipt and Deed cannot be returned. You ask me to note the contents of your despatch.

When I received my letter of instructions (from the high authorities) I made a memorial (to the Vice Roy) requesting him to address the Tsung-Li-Yamên to communicate to the Minister of your Government at Peking, that, as this case is quite plain, there is really no need for an investigation;

(and

and to ask that he would accordingly instruct you. Truly I have not concealed anything from the Hon. Consul.

You insist upon a joint investigation of this case. [but for the following reason] I cannot assent to this manner of proceeding. I have previously received the Tsung-Li-Yamên's despatch to the effect that the High officials of your country have deliberated upon the discharge of this matter, and expressed his opinion that it devolves upon the Taotai to decide the case; that it is not necessary to hold a joint investigation with the Consul, but when the Taotai makes the examination it is proper the Foreign officer should be present and hear the trial. My instructions are as per foregoing: nevertheless the Hon. Consul insists upon a joint investigation, I am afraid your High official will not consider your insisting as entirely correct.

Your despatch says that "all copies of documents" are never considered

(as

as evidence" when the original can be produced." I see that on the 5th day of the 10th moon of last year, you sent me copies of the documents given by Shin-Tou-Shan, which your despatch informed me had been copied without mistakes; and since there is not a particle of mistake in these copies they must be just like the original documents. Besides, Shin-Tou-Shan, stated plainly in his note that he borrowed the money from Russell & Co: to pay his passage to Tientsin, where he was to go in order to sell the wood for Liu-Shin Fa's account. Now because he wanted to sell the wood, he borrowed the money; since Russell & Co would not authorize the sales they should bear the responsibility, and not expect others to refund the money. It is quite proper that I decide this case by requesting (Russell & Co) to give up the Deed.

You say that if Russell & Co: are called upon to sustain loss in this case you shall use your influence to have the Government held responsible. I see

(that

that the Treaty does not provide that the officers of the two Countries shall guarantee the payment of debts, so how can the Government be asked to make such payment? I beg you will not make use of such expressions.

I make this necessary communica for the information &c. &c. &c.

19th day, 4th moon, 4th year Kwang Su 20th May 187

Translation 20th May 1878.

Ho, Taotai to Mr. Shepard

This matter of Russell & Co. v. Shin-Tou-Shan, In Re the Wood-transaction is still unsettled, and both sides are consequently in a state of suspense. We are both losing our pity for our — merchants.

In the transaction of joint business, when cases come up, we ought to deliberate upon them with kindly feelings, and act in accordance with justice, which manner of proceeding will tend to prolong the friendly relations (already existing).

After a few days I shall depute an officer to your office to consult — personally with you upon this subject. If you desire a speedy close to this case will you please reply to my note, when I can appoint a day for my deputy to meet you, and to hear your opinion.

I write this note especially:

Ho

to wish you happiness &c. &c.

19th day. 4th Moon, 20th May 1878.

Mr Shepard to The Taotai,

No. 199 May 22nd, 1878.

Sir:

Yours of May 20th with private note of same date, in Re Russell & Co. is received. You still refuse any satisfaction in this case, and seem determined to misrepresent my demand, which is that the case shall be investigated in my presence, and that all the evidence in the matter shall be heard, before you presume to decide it. Your own highest authorities have instructed you that this is right, and directed you to do it, I shall continue to insist that as yet there has been no investigation of the case at all, but you have attempted to decide it upon partial interested and one-sided testimony, thereby doing a great wrong, and despising all justice and respect for the Treaties. I am as desirous as any man can be for a continuance of friendly relations with you, but they

(must

must be accompanied with justice and respectful treatment from you, both for myself and my Government, as I always have, and always shall give them to you. In your private note you regret the expense and delay in the case. Allow me to say it is you only that have made either, and you can stop both by doing justice, and investigating the case in my presence. You ask me to appoint a day when you can send your deputy to consult with me. I reply I can not meet your deputy in this matter in your stead. I did so once, some months ago, because you represented that an important engagement with the Vice Roy prevented your meeting me in person. I presume that engagement is over, and my rank entitles me to meet you on equal grounds. This business is in your hands, and with you direct must I negotiate it. With all my respect for your deputy as a gentleman, and a man of business knowledge and sagacity. I must decline to meet him when propriety demands that you in person shall co-operate with me in settling diffienlt cases.

I will receive you at any reasonable time you may appoint. I am Sir &c. &c.

(signed) Isaac T. Shepard.

Translation. 2 June 1878.

Ho, Taotai. to Mr. Shepard.

I received your despatch on the 28th ulto. informing me I had given you no satisfaction in the matter of Russell & Co. v. Shin-Tou-Shan, and that in deciding the case on one-sided evidence I have not acted in accordance with justice.

In attending to this affair I have acted entirely with justice: if the Hon. Consul is satisfied or not I can not help it. You say I have only seen one sided evidence. The evidence which I have seen is that produced by myself, and I have acted upon the document you sent me, not depending on one side nor working for the benefit of Chinamen. You also say it is not proper for you to meet my deputy to consult upon this subject. I see that at all ports open where general trade and intercourse is carried on, the practice of Deputies acting on behalf

(of

of their superiors is always allowed. When your Country has matter to discuss with the Tsung. Li. Yamen your Minister can go, or he can depute his Secretary. Last year when your "Acting Interpreter" called upon me about "Transit Pass" I gladly received him with all due honor, and did not refuse him audience because he was of inferior rank. By reflection the Hon. Consul will see that it is not improper to employ a deputy to represent me.

It is essential that friendly relations should exist so that when public matters arise they may be speedily dispatched. In this Shin-Tow-Shan case I can not yield anything, and can only act in accordance with justice. As to the meeting between us I do not wish to entertain any unpleasantness on that score. Now in accordance with your wish I shall myself call upon you on the 3rd instant, because I desire to be on good term with you; but this must not be established as a rule. You are

(aware,

aware, I suppose, that three prefectures are under my control, and I also superintend the general trade, so I am very busy. In future if there are matters upon which I wish to consult with you, and my business will not permit me to visit you in person, and I should have to send my deputy, and you were to refuse him audience, I cannot acknowledge any responsibility in the delay which might occur in the dispatch of the matter.

I make this necessary communication for the information of the Hon. Consul.

2nd day, 5th moon, 4th year Kwang Su. June 2nd, 1878.

Mr. Shepard to Ho, Taotai,

June 8th 1878.

Sir:-

I wish to thank you for the agreable, and I think profitable conference on the matter of Russell & Co. v. Shin-You-Shan and others, on the 3rd instant.

Your expression of intent on the point presented as to the Conditional Contract on the Bills of Lading, was particularly to be noticed. Your Excellency remarked that if that point could be proved it would entirely change the case, and you would proceed to see it settled. I now have the honor to inclose to you an old Bill of Lading exactly similar to those taken by the Shipper of the Coffin-wood, except in the filling up of names and figures. You will observe especially the Chinese Endorsement on the back, which fully covers all I claimed. This Endorsement was invariably made on

(every

every Bill of Lading, on which advances had been made. As the Coffin wood was shipped in different lots, the Shipper had this condition several times repeated on his different Bills. This indorsement was printed from a Block which is now in my possession, and of which I send you an impression made by myself, so you see its genuineness. It follows, — necessarily, that Shim-Tow-Shan in making his Bond, made it with the obligations incurred by the Bills of Lading, as there is no pretence that any proposition, agreement, or intent ever existed to set them aside, by any party whatever.

Trusting this new light may secure a just and speedy settlement of the vexatious case.

I am. Sir &c, &c,

signed Isaac T. Shepard.

Translation. 16 June 1878.

Ho, Taotai, to Mr. Shepard.

I received the Hon. Consul's on the 8th instant, as follows (Consul's of June 8th, No 205, recapitulated)

You desire me to close this case in accordance with justice. Your despatch like this has been received. I summoned Shin-Tou-Shan to see this B/L, and he made the statement that he never received any such Bill of Lading at all. Upon another perusal of your despatch I see you state "the proprietor of the wood received several of these Bills of Lading" — so I am not certain whether it was Lin-Shin-Fa or Shin-Tou-Shan who received them. I have therefore to ask you to reply to my despatch at once, so as to enable me to examine into the matter.

Now I accordingly make this necessary communication and request you will, without delay, examine and state plainly (as to this point) in your answer, &c, &c. &c.

Mr. Shepard. To Ho, Taotai.

No. 230 November 6th, 1878.

Sir:

Referring to your despatch of June 16th, in the matter of Russell & Co's claim for balance due on Coffin wood account, I see that you do not question the authenticity of the Chinese Contract on the Bills of Lading sent, but you make a quibble as to whether they were given to the original Shipper or to the Bondsman. Now you plainly and distinctly agreed with me if I could produce any such contract, you would settle the case at once. I did produce the evidence, and hold the original in my Keeping, and yet you still prevaricate and do nothing.

I now, therefore, once more ask you, will you appoint a time, at once, when I can be present with you, to hear an examination made by you, when you can know the evidence, which you have never yet done? If you decline, or refuse, this, as an honorable man say it plainly,

(for

for I must again assure you the case cannot be settled in any other way, - nor shall I spend time and labor in sending you items of information to no effect.

I am, &c, &c,

(signed) Isaac T. Shepard.

Translation

Ho, Taotai, to Mr. Shepard.

November 10th, 1878.

I have to own the receipt of your despatch on the 10th of November, 1878, in which you request me to appoint a day for a joint investigation of the case of Messrs Russell & Co. against Shin Tou-Shan, at which investigation all the evidence can be taken, and that the case could not be settled unless such a joint investigation was held. I would observe in reference to this case there is no need of a joint investigation, - Neither the Foreign Board nor your own Minister endorse (authorize) a joint investigation. Therefore I must decline to appoint a day as requested. In order for this case to be closed, I must refer you to my despatch of the 16th June, and request that you will instruct the merchants (interested) to furnish you with the information to whom the Bill of Lading was given, and which information please send to me. This despatch

(is

is written for your action and information

Mr. Shepard to Ho. Taotai,
No. 232. November 13th, 1878.

Sir:-

In the matter of Russell & Co. v. Shin-Tou-Shan, I respectfully acknowledge your communication of yesterday in which you again ask to whom the Bills of Lading were issued. In answer I have to say that when you will appoint a time for the investigation of this important case, as I have repeatedly said heretofore. I will gladly produce all the evidence in the matter, including the Bills of Lading and all circumstances connected with them, and all the obligations and privileges under them, - as I have in my possession one of each set of the three originals granted at the time of shipment.

I cannot understand your hostility to so reasonable and just a way to settle this affair, authorized and directed both by treaty and the Tsung-Li-Yamên -

(and

and which I once more assure you is the only way it can ever be settled. You seem to cavil at the phrase "joint investigation", as though I demanded something not to be allowed. All I ask, and all I have asked, is just what you and I both understand, the Tsung. Li. Yamên has directed you to give me. — viz: an examination of the case at which I can be present, and offer all the evidence bearing upon it. You have denied this on the ground that the case is simple and you need no light upon it. I deny that you understand it, deny that you have examined it in any proper sense, and respectfully demand a full investigation when I can give evidence and information that I am sure you know nothing of, for it has not been communicated to you. The fact that you are now inquiring about the Bills of Lading, after you have repeatedly written me that the case was decided, is proof incontrovertible that you have attempted to make a

decision

decision without knowledge. I ask for the privilege to give you that knowledge in behalf of my countrymen, and to deny it to me is a palpable wrong, subversive alike of Treaty obligations and common justice. I know very well that the final decision is with you, subject, of course, to appeal to Peking if your decision seems contrary to the evidence, and I once more ask of you to appoint an examination, when I will satisfy you fully in regard to the Bills of Lading, Shin-Tou-Shan's connection with, and obligations under them, and every other fact I believe it important for you to know before you presume to pass judgment.

Will you appoint such a time? I wish a direct answer, for I assure you I shall not waste any more time in imparting partial proofs, that only end in useless discussion, either at interviews or by tedious letters.

It is proper to say I am preparing a full report of the course of the case

(since

Since my despatch to Peking on Jany 26th
which I shall at once send to the
United States Legation, with copies
of all our correspondence, together with
my protest against your what I think
your unjust and disrespectful refusal
of my rights,

I am, Sir, &c.&c.,

(signed) Isaac T. Shepard,

Copy of Endorsement on
Russell & Co's Bills of Lading for the
Coffin-Wood shipped by Lin-Shin-Ja.

Translation.

Money advanced by this firm
on whatever Kind of merchandize must
be refunded within one month. If
this limit is exceeded and the money
unpaid, it becomes the privilege of
this firm to sell the merchandize and
repay the money; and the [borrower
cannot say a word against it.]. This
is specially written to notify plainly
beforehand.

(Taken from the Chinese block,
and compared with the Bills of Lading
by)

signed) Isaac T. Shepard.

Despatch No. 90.
Enclosure 2.

Mr. Holcombe to Mr. Shepard,
No 56. December 5th 1878.

Sir:

Since acknowledging the receipt of your despatch number 25, in the case of the claim of Messrs Russell & Co against certain chinese for advances made upon coffin-wood, I have carefully reread and examined the enclosures which you sent forward. These consist of the English text of the letters which have passed between you and the Intendant, extending from March 13th to November 13th ultimo, and to these you have added the Chinese text of the letters received by you from the official named. It does not appear that you have sent forward the Chinese text of your despatches to him.

Under these circumstances I am able to judge of the exact language, in Chinese, used by you to the Taotai, only from the quotations from your despatches

(contained

despatches contained in his responses to you. Judging from these quotations, and the general tenor of his language to you, I am strongly inclined to believe that the Intendant either misled by the improper use of two important Chinese characters by your Interpreter misunderstands the nature of the trial which you are insisting upon, or, that he purposely takes advantage of the misuse of the two characters referred to, to refuse what he really knows you do not intend to demand. I refer to the characters Hui shen ( ) which, so far as I can gather from the Taotai's quotations, seem — invariably to have been used in your repeated requests for a trial of the case in your presence. When thus — combined in official correspondence they always mean a trial at which two or more officials shall sit as judges, having co-equal and co-ordinate powers in trying and determining the case before them. If I am correct in the supposition that your Interpreter has (made

made use of this Chinese word in translating your Chinese despatches, then it follows that while intending to demand only a public hearing of the case at which you should be present, and be allowed to produce evidence, and cross-examine witnesses, you have, in point of fact, been insisting upon a trial at which you should sit as co-judge with the Intendant.

This will, perhaps, serve to explain his reiterated declaration that you have been demanding that which your Minister had neither asked, nor the Foreign Office promised.

I am not overlooking the fact that you seem to have sent a copy of the English text of each despatch to the Taotai in company with the Chinese version, and that, in the English, the nature of the trial asked for is defined in clear and unmistakable language. It may either be that he has no one about him who understands English, or, that, seeing the error referred to,

(The

he chooses to take advantage of it in order to delay action on his part.

In view, therefore, of the probability of a misunderstanding between yourself and the Taotai, of the nature explained above, it would be well for you to address him again, explaining the nature of the trial asked for, informing him that the Chinese phrase "hsieh shen" was used inadvertently and that you had no intention of insisting upon a hearing of the case at which you should sit with him as judge; and repeating your request for a public hearing. If it seems best, you may at the same time inform the Intendant that your position in this business has been approved not only by this Legation, but also by the Government at Washington to whom it was reported last Spring, and that it is idle for him to expect any other disposition of the case than such as may result from a fair trial, in open court, and in your presence.

C

I have already addressed Prince Kung in this business, and will, in due course, inform you of the result. In addressing the Taotai further, I think it advisable for you to refrain from any further discussion of the general merits of the case, but you will please, communicate his response to me, immediately upon its receipt.

And in future in reporting cases to this Legation, please send up both the English and the Chinese text of all despatches sent to and received from the Chinese Authorities.

I am, &c,

(signed) Chester Holcombe,

Despatch No. 90.
Enclosure 3.

11/1878.

Mr. Holcombe to Prince Kung

December 5th 1878.

Sir:-

I have the honor to recall the attention of Y. I. H. to the correspondence had between Minister Seward and Yourself in the early part of this year in reference to a claim of Messrs Russell & Co; American merchants at Hankow, against Liu Hung-fa. Y. I. H. will doubtless remember that Mr. Seward requested You to instruct the Intendant at the port named to appoint a day when the case would be heard by himself as judge, the Consul being invited to be present and watch the trial in the interests of justice; that I spoke personally with the Ministers of the Foreign Office in the same sense, and that upon March 14th Y. I. H addressed Mr. Seward, acceding to his request, and saying that you had instructed the Taotai, &c &c.

I much regret to be obliged to

(inform

inform Y. I. H. that some misunderstanding seems to have arisen between the Intendant and the Consul in regard to this case, and although eight months have elapsed since the issue of your instruction to the local official at Hankow, and much correspondence has passed between him and the Consul, this case has not yet been brought to trial.

I have now, again, addressed Mr. Shepard in this business, explaining clearly to him the nature of the hearing to be had, and the part which he is to take in it. And I beg leave to request that Y. I. H. will instruct the Intendant at Hankow in explicit language to appoint a day at once for the trial of the case at issue, and will inform him, so that there can be no further misunderstanding, that in the trial he alone is to sit as judge, but that he will invite the Consul to be present, to produce evidence and cross-examine witnesses, and in general to watch the proceedings in the interests of justice.

C. I. H.

Y. F. H. may be glad to know that at the conclusion of the earlier correspondence between Yourself and this Legation in this business, it was referred to the Secretary of State at Washington, and that my Government has expressed its approval of the course taken by Mr. Seward in asking for a trial of the nature indicated above.

I have &c. &c,

(signed) Chester Holcombe,

Approve
C. P.

Mr Adee

No. 91. Four Enclosures.

Legation of the United States.

Peking, December 12th, 1878.

DEPARTMENT OF STATE
FEB 6 1879
RECEIVED

FOREIGN Relations 79

Chester Holcombe to the Secretary of State.

Subject.

Mr. A. Jenkins transit passes for Szchuen produce.

Synopsis.

Refers to Mr. Holcombes despatch number 76. After some further correspondence, which is enclosed; Prince Kung has sent peremptory orders to have the goods in question passed, if they are found in order.

No. 91. Four Enclosures.

Legation of the United States.

Peking, December 12th, 1878.

Honorable William M. Evarts,

Secretary of State.

Sir:—

In my despatch, number 76. of the 23d ultimo, I reported to you the details of a complaint made to me by our Consul at Hankow, that the local authorities in Sz Chuen had refused to recognize certain transit passes taken out by Mr. M. A. Jenkins, whose goods were, in consequence, detained in the interior of that province. I also forwarded a copy of a despatch in the business which I had addressed

to

to Prince Kung.

Upon the 28th ult.mo a response was received from the Prince, a translation of which I now have the honor to enclose. As it indicated only the usual routine reference of the subject to the Provincial Authorities of Szchuen, which would involve further and indefinite delay, I addressed the Foreign Office again, upon the 6th instant, objecting to this procedure as unnecessary, inasmuch as the language used by the Chungking Magistrate, in his order warning Mr. Jenkins not to make use of the passes, not only failed to indicate any irregularity in the action of

1/91.

of the merchant, but, in itself, condemned the course of the official as a manifest violation of treaty. I objected to the further delay made necessary by this reference, as involving my countryman in additional hardship and loss, and urged Prince Kung to issue peremptory orders that the transit passes should be respected, and the produce passed to Hankow. I enclose a copy of this despatch. 2/91.

In order to leave no effort untried, by which relief for Mr. Jenkins might be obtained, I visited the Foreign Office upon the 10th instant and spoke personally with the Ministers in the case, reiterating

reiterating the arguments and renewing the request contained in my despatch. The Ministers promised to instruct the Magistrate peremptorily that, in case the transit passes, and the produce covered by them, were in order, he should allow Mr. Jenkins to take his goods to Hankow at once.

And I am now in receipt of
3/91 the enclosed despatch from Prince Kung, informing me that orders have been issued as promised.
4/91. I have thanked him for his prompt and satisfactory action.

Awaiting Your approval of my course in this business,

I

I have the honor to be,

Sir,

Your obedient servant.

Chester Holcombe

Enclosures.

1. Prince Kung to Mr. Holcombe

75/1878. November 28th, 1878.

2. Mr. Holcombe to Prince Kung.

76/1878. December 6th, 1878.

3. Prince Kung to Mr. Holcombe

79/1878. December 12th, 1878.

4. Mr. Holcombe in response.

80/1878. December 12th, 1878.

Despatch No. 91.
Enclosure 1.

7/5/1878.

Prince Kung, Chief Secretary of State for Foreign Affairs herewith makes a communication in reply.

I have the honor to acknowledge the receipt of your despatch of the 21st instant, stating that you had received a communication from the United States Consul at Hankow, informing you that Mr. M. A. Jenkins, an American merchant of that port had taken out ten transit passes for the purpose of bringing out native produce from the interior of Szchuen. The Chungking Magistrate refused to recognize these passes, and warned Mr. Jenkins that if he brought his goods to the tax-station at Kweichow, dues would be levied upon them the same as though unprotected by transit passes, &c. &c.

You refer to an arrangement made in the early part of this year by which transit passes for Szchuen produce may be taken out at Hankow and

(the

the dues paid there. You enclose a copy of the order issued by the Magistrate named, and request me to issue such instructions as will secure compliance with the arrangement mentioned above &c, &c,

I have requested the Southern Superintendent of Trade and the Viceroys of Ez-chuen and Hukwang to instruct the Intendants concerned to examine into and report upon this business at once. Upon receipt of their replies I shall again address you

Chester Holcombe Esquire,
&c, &c &c. &c,

Despatch No. 91.

Inclosure 2.

76/1878.

Mr. Holcombe to Prince Kung.

December 6th, 1878.

Sir:

I have the honor to ——
acknowledge the receipt of Y. I. H.'s despatch of the 28th ultimo in response to mine of 21st which requested your attention to the refusal of the Chinese Authorities at Chungking in Sz chuen to recognize certain transit passes taken out by M. A. Jenkins, an American merchant, and beg leave to express my thanks for the promptness with which Y. I. H. ordered an inquiry into the business.

I address you again upon it, from no lack of appreciation of your desire to protect the interests of my countrymen, and to secure obedience on the part of your officials to the provisions of the treaties. This case, however, is one of peculiar hardship and ingustice, and I cannot refrain from requesting Y. I. H. attention again to certain features of it, with the

(hope

hope that you will be able to afford Mr. Jenkins some more speedy relief than seems likely to come in the ordinary course.

The transit passes in question were taken out by Mr. Jenkins upon the 27th of last July, and were sent at once to Ez-chuen, where the produce covered by them was shortly afterward purchased and prepared for shipment to Hankow. Upon the 4th of October, Mr. Jenkins was warned not to use the passes held by him, as they would not be recognized by the tax-officers at Kwei-chow. It thus appears that the merchandise covered by these passes has already been detained in the interior of Ez-chuen some 3 or 4 months to the serious inconvenience and loss of its owner. If, now, it must further be detained until the instruction recently issued by H. I. M. can reach the capital of Ez-chuen, the Viceroy can issue his orders to the deliquent local authorities for a report, until they see fit to make the report, and until their replies can

(reach

reach Y. I. F, receive consideration by you, and fresh instructions go hence to Sz-chuen — if this delay must arise, then it is evident that some six or seven months more must elapse before the merchandise can be released from detention, and further serious loss to the owner must arise, if indeed, the produce is not entirely ruined.

I freely admit that this argument on behalf of the merchant would not hold good were there reason to accuse him of any violation of the treaties or trade regulations in connection with the export of his merchandise. But the transit passes were taken out regularly, and conformed in every respect to the requirements of treaty and no charge is made of any conduct on the part of the merchant which would justify the detention or seizure of the goods. This detention is based on the simple assertion that because of the use of transit passes in Sz-chuen, the local tax office at Kwei-Chow

Chas

has suffered a loss of more than two hundred thousand taels, and that if these passes are respected the officials at Kwei chow can collect nothing from the owner of the produce covered by them. The detention of Mr. Jenkin's property by the official named was, therefore, by his own showing an offensive violation of a solemn treaty engagement, and of that good faith between our Governments which I am sure Y. I. H. desires zealously to maintain, and which should be faithfully respected by all classes of officials in both countries.

As there appears therefore from the showing of the Chungking Magistrate himself to have been absolutely no reason whatever for the detention of Mr. Jenkin's property, I venture to place this business before Y. I. H. again, and most earnestly to request, in the interest of good feeling between the two Governments, that you will not subject my countryman to further delay and loss, but will

Cat one

at once instruct the local authorities concerned to respect the transit-passes held by him, and to allow the merchandise which they cover to be taken to its destination.

I have, &c &c,

(signed) Chester Holcombe.

Despatch No. 91.
Enclosure 3.

7/9/1878 Prince Kung, Chief Secretary of State for Foreign Affairs herewith makes a communication in reply.

Upon the 6th instant I had the honor to receive a despatch from you in the matter of the transit passes taken out by Mr. M. A. Jenkins, to cover native produce brought from the interior of Ichuen, in which you remarked that if the export of the produce must further be delayed until the receipt by me of reports from the several parties to whom I had sent instructions, a further detention of six or seven months must arise before the merchandise could be moved, and you requested me to issue imperative orders to the local authorities concerned to respect the transit passes, and to allow Mr. Jenkins to transport his merchandise to Hankow at once, &c.

Upon the 10th instant you called at the Foreign Office and again requested that orders be sent to the

Viceroy

Viceroy of Sz. chuen to give this case immediate attention, etc,

Upon receipt of your earlier despatch in this business I instructed the Viceroy of Sz. chuen without delay to direct his subordinates to examine into and effect a satisfactory disposition in the premises at once.

Being now in receipt of your later favor as above recited, the Viceroy of Sz. chuen has been again instructed by this Office to see to it that the local officers concerned make at once the usual examination of the merchandise referred to, and if no irregularities are discovered to allow it to proceed, and to report the fact to me directly, in order that I may inform you, and so the case be speedily disposed of.

Chester Holcombe, Esquire.

&c. &c. &c. &c.

Peking, December 12th, 1878.

Despatch No. 91.
Enclosure 4.

80/1878.

Mr. Holcombe to Prince Kung.

December 12th, 1878.

I have the honor to acknowledge the receipt this moment of Y. I. H. despatch of this date in the matter of the transit passes for Szchuen produce taken out by Mr. M. A. Jenkins, in which Y. I. H. informs me that you have instructed the Viceroy of Szchuen to see to it that the local officers concerned make at once the usual examination of the merchandize, and if no irregularities are discovered to allow it to proceed, etc. etc.

I beg leave to present my most sincere thanks to Y. I. H. for this very prompt and satisfactory action.

I have, &c &c,

(signed) Chester Holcombe,

Mr Adee
Col. Morgan

No. 92. One Enclosure.

Legation of the United States.

Peking, December 14th, 1878.

RECEIVED FEB 24 1879

Chester Holcombe to the Secretary of State.

Subject.

Statement of salary account.

Synopsis.

Refers to Mr. Holcombe's despatch, number 87, and forwards a duplicate statement.

M
filed

No. 92. One Enclosure.

Legation of the United States.

Peking, December 14th, 1878.

Honorable William M. Evarts.

Secretary of State.

Sir:-

Recurring to my despatch, number 87, I have now the honor to hand to You a duplicate of the statement of my salary account which it contained. 1/92.

I have the honor to be,

Sir.

Your obedient servant.

Chester Holcombe

Enclosure.

1. Duplicate statement of salary account, June 7th to September 30th, 1878.

File

See Instruction of 13 Sept 79 to Mr Seward

Wade

No. 93. Four Enclosures.

Legation of the United States.

Peking, December 20th, 1878.

Chester Holcombe to
the Secretary of State.

Subject.

French riot claims at Shanghai.

Synopsis.

Submits a report from Mr. Bailey upon these claims. Mr. Holcombe has asked him to present them to the Intendant for payment in the amounts asked by the claimants (excepting Mr. A. A. Fisher) but has authorized Mr. Bailey to consent to

a.

a reduction of about 20% in case payment of the larger sums is refused. In Mr. Fisher's case Mr. Bailey has been requested to ask for Rls 3,000 to be similarly reduced to Rls 2,500. Encloses copy of Mr. Malcomber's despatch, and asks the approval of the Secretary of State.

No. 93. Four Enclosures

Legation of the United States.

Peking, December 20th, 1878.

Honorable William M. Evarts.

Secretary of State.

Sir:

Recurring to my several despatches in reference to the claims put forward by our people for losses sustained in the riot within the limits of the French Concession at Shanghai in May, 1874, I now have the honor to submit to you a copy of a despatch from Mr. Vice Consul General Bailey, presenting certain evidence of the losses, and giving his views as to the amount of remuneration

1/93.

remuneration to which the several claimants are entitled. His opinion, in brief, is, that while 25% might safely be taken off the sums claimed by other parties, Mr. A. A. Fisher is entitled to compensation for the personal injuries sustained by him, to the extent of $5.000.

I have also the honor to
2/93. lay before you a copy of an instruction which I have addressed to Mr. Bailey asking him to present the claims to the Chinese Authorities at his post for immediate payment. You will notice that, for reasons given in the despatch, I have advised him, in the first instance, to present

the

the general claims into the amounts severally asked by the sufferers, but have authorized him to reduce these amounts by 25 %, in case a settlement upon the larger basis is proved to be impossible. It should, however, be said that, as he is advised to insist upon payment in Haikwan taels, in case he concludes to reduce the sums, the actual reduction will be only about 20 %. The French claims were all paid in Haikwan taels.

In the case of Mr. A. A. Fisher, I am free to admit that more careful consideration has served to modify somewhat my view as expressed in my despatch,

number

number 45. to the Department. I have, accordingly, advised Mr. Bailey, to present a claim for Haikwan taels 3,000, say $4,800. in this case, in the first instance, and if unsuccessful on that basis, to reduce it to Haikwan taels 2.500, say $4,000.

3/93. I enclose a copy of a letter which I have received from Mr. Fisher in which, as you will see, he leaves the amount to be claimed in his behalf, entirely to my discretion. And, for your convenience, I also enclose a

4/93. tabular statement containing the names of the several claimants, the sums to be asked for in the first instance, and the sums to be

be insisted upon, in case payment upon the larger basis is refused.

You will further notice that I have requested Mr. Bailey, if he effects a settlement, to pay the amounts received over to the claimants, without reduction, and to take receipts therefor, in triplicate, two copies of which are to be sent forward to this Legation.

It is not likely that there will be any difficulty or delay in closing up this business.

I respectfully ask your approval of my action.

I have the honor to be,

Sir,

Your

Your obedient servant.
Chester Holcombe

Enclosures.

1. Mr. Bailey to Mr. Holcombe.
No. 671. November 29th, 1878.
2. Mr. Holcombe in reply.
No. 150. December 19th, 1878.
3. Mr. A. A. Fisher to Mr. Holcombe.
October 29th, 1878.
4. Tabular statement of amounts to be claimed from the Chinese Authorities.

Despatch No. 93.
Enclosure 1.

Mr. Bailey to Mr. Holcombe.
No. 671. November 29th, 1878.

Sir:-

Referring to my despatches numbers 656, and 659, the latter bearing date October 9th, I have the honor to endorse a list, in Tabular form, of claimants, citizens of the United States, who, as is alleged, suffered loss of property at the hands of the Chinese mob during the riot by subjects of China in the so called French Concession on the 2nd of May, 1874.

The amount claimed in each case is set forth in a memo; and made a part of this despatch.

The affidavits of A. Charrier, a livery-stable Keeper, who had custody of the property at the time of its destruction, and of Robert Mackenzie, auctioneer and public appraiser, a long time and reputable resident of Shanghai, are appended to the list of claims.

I am quite satisfied as to the fact

fact of the several losses having occured as therein named.

I also enclose a sworn statement by Mr. F. E. Haskell as to his loss — together with an affidavit of Mr. Robert Mackenzie as to the value of the same.

I agree with the better judgement of Mr. Seward, as expressed in his number 431, of April 27th, 1875 to Mr Avery, that 25 percent might safely be taken off these claims; but I should say, with that reservation, that they ought to be paid, as the French and German claims, arising out of the same riot, have, as I am informed, already been paid to the several claimants.

I cannot quite see my way clear to say, with Mr. Seward, that Mr. Fisher's claim should be allowed for only one thousand tails. However, while I hold to my opinion as expressed in my No: 659, of October 9th, I would yield in a very large degree to the opinion of Mr. Seward, who, by reasm of his long residence here and his experience

(of

of men and affairs in Shanghai has a more accurate knowledge of such things than I have.

There does not seem to be a reasonable doubt that all the claimants are citizens of the United States.

With reference to Miss Dollie Orliens and Miss Sallie Clark, it may be safely affirmed, I apprehend that they are women of questionable repute nevertheless, doubtless they lost the property for which they present claims.

I have, &c. &c,

(signed) D. H. Bailey

Nam

Miss
C

W. A

Names	Description of Property.	Value	Total	Signatures
	Brought forward.		1633 50	
Miss Sallie Clark.	One Brougham & double harness.	885 00		
	Two Horse covers mat & whip	45 00	930 00	
V. A Richard	Two Horse cloths.	36	36 00	
	Total Tls		2599 50	

United States Consulate General.
Shanghai, China.

On this 18th day of October, A.D. 1878. before the Undersigned, personally appeared A. Charrier, who being sworn saith; my occupation is now and was at the time of the Chinese riot in the French Concession on the 3rd day of May, 1874, that of Keeper of a Livery Stable; that during the aforesaid riot my Livery Stable situated in the French Concession was destroyed by the said Chinese mob by being burned to the ground, together with everything in it; that all of the above enumerated articles were in my Livery Stable at that time, and that they were all entirely burned and destroyed by said mob as aforesaid, as will fully appear by the evidence sent to the

(French

French Legation at Peking concerning the losses arising out of the acts of said mob: that the valuations herein above set forth in tabular form against the name of each claimant herein are reasonable and not excessive, that all the persons whose names are herein above set forth are in my opinion citizens of the United States of America; that the annexed Exhibit marked A, is the duplicate of the original list of claims for property in my Livery Stable at the time of the riot and ~~x~~ destroyed by the Chinese mob aforesaid, put in tabular form, in the French language, duly signed in person, or by agent, in each case, the same as the original.

(Signed) A. Charrier,

Sworn to before me and subscribed in my presence the day and year above written.

(Signed) David H Bailey

U. S. Vice Consul General,

United States Consulate General

Shanghai, China,

Con

On this 18th day of October, A.D. 1878. before the undersigned personally appeared Robert Mackenzie who being duly sworn saith: I am an Auctioneer, public appraiser and dealer in carriages and harness, which occupation I have been engaged in for many years last past in Shanghai, China, and at the time of and long prior to the Chinese riot in the French Concession at Shanghai, on the 3rd day of May, 1874; that immediately after said riot and the destruction of Mr. A. Charrier's Livery Stable by said mob, I was called upon to make a valuation of the articles lost in Mr. Charrier's Livery Stable at the hands of said mob; that after diligent enquiry and a careful estimate of the value of said property so destroyed, I placed the value of the several articles herein enumerated at the sums set opposite the names of the several claimants herein before named and as herein stated in tabular form. That I believe said valuation to be reasonable and not excessive, that at that time it would have cost fully the several amounts as herein before set forth to replace said articles so

(destroyed

List of Claimants for loss of property during the riot in the French Concession on the 3rd day of May 1874.

Names	Description of Property	Value Ts.	Value ¢	Total Ts.	Total ¢	Signature
F.H.B. Jenkins	One set double harness	60	00			
	One Horse cloth	18	00			
				78	00	
W.W. Lovett	One saddle and double bridle.	31	00			
	One cover ete ------	23	00	54	00	
C.J. Ashley	Four Horse cloths.	40	00			
	Loss of one horse.	180	00			
				220	00	
F.E. Haskell	One Buggy (American)	350	00			
				350	00	
A. St. John.	One Dog cart, whip & mat.	130	00			
	One Horse cloth.	18	00			
				148	00	
Rev. Y. Allen	One Phaeton & one set single harness	330				
	One Horse cloth & whip	23	50	353	50	
Miss Dollie Orliens.	One Phaeton & double harness	385	00			
	Two Horse cloths matching	45	00	430	00	
	carried forward			1633	50	

destroyed as aforesaid.

(signed) Robert MacKenzie

Sworn to before me and
subscribed in my presence
the day and year above
mentioned

(signed) D. H. Bailey.
U.S. Vice Consul General

Copy.

Shanghai Oct 16th, 1878.

D. H. Bailey Esq.
U. S. Consul General,
Present,

Sir.-

In reply to your communication No. 1174 of 28th ultmo. I propose to prove my claim for loses-sustained during the riot of May 3rd. on the French settlement-at this port, viz. for,

One dog-cart value Shanghae Tls. 350.-
which was in charge of Mr. A. Charrier, on livery, and was burned or destroyed by the mob, by my affidavit to this instrument-and the seperate oaths of Mr. A. Charrier, as to loss; and Mr. R. Mackenzie as to value,

Trusting this will be deemed sufficient, and enable you to collect my claim,

I am,
Your obedient servant,
(signed) F. E. Haskell.

United States Consulate Gener
Shanghai, China.

On this 18th day of October A.D. 1878, before the undersigned personally appeared F. E. Hartell, who being duly sworn deposeth and saith that the foregoing statement is true, that the said dog cart was destroyed by the Chinese mob in the French Con=cession on the said 3rd day of May, 1874, that the value of said dog-cart was Th. 350, that the said amount has never been paid to deponent nor any part thereof. And that deponent is a citizen of the United States of America

(signed) F. E. Hartell,

Sworn to before me and
subscribed in my presence
the day and year above mentioned.

(signed) D. H. Bailey.
U. S. Vice Consul General.

United States Consulate G
Shanghai, China.

On this 18th day of October, A.D. 1878, before the undersigned personally appeared Robert Mackenzie, who being duly sworn saith; that I am a resident of Shanghai and have been for about (18) Eighteen years; that

(2

I am an auctioneer and appraiser; that I have been a dealer in carriages: that I made a valuation of the dog-cart of Mr. T. E. Starkell shortly after its destruction by the Chinese mob in May, 1874, that I had a good knowledge of said dog-cart, and that I valued it at Taëls 350.-; that said valuation was just and not excessive.

(signed) Robert Mackenzie

Sworn to before me and
subscribed in my presence
the day and year above mentioned,
(signed) D. H. Bailey,
U. S. Vice Consul General.

Despatch No. 93.
Enclosure 2.

Mr. Holcombe to Mr. Bailey.
No. 150 December 19th, 1878.

Sir:—

I have already acknowledged the receipt of your despatch number 671, covering a list of claimants for damages to person or property in the riot of May 3rd, 1874, and accompanied by certain proofs of loss.

Upon a careful consideration of the whole subject, I am of opinion that it will be best for you in the first instance, to place these claims, with the exception of that of Mr. A. A. Fisher, before the Chinese Authorities of your port, in the amounts severally asked, and request immediate payment of the same. If in the course of your negotiations with the Taotai it becomes evident to you that no settlement can be reached upon that basis, you are in that event, authorized and requested to reduce each sum by 25%, but to insist upon the payment of each sum so reduced in Haikwan taels.

I am

In reaching this decision I do not forget Mr. Seward's statement, endorsed by yourself, that "25% might safely be taken "off these claims". On this point it may be said, first, that the amounts asked are verified by the sworn declarations of disinterested experts in the valuations of the various articles lost; and, second, that the claimants, through no fault of their own, have been kept out of the use of their property, and refused compensation for its destruction for nearly five years. It may be held that some allowance is justly due them for this unreasonable delay. And if interest at the current rate were computed upon the several claims reduced by 25%, the amounts would then exceed considerably the sums now asked for by the petitioners.

In the case of Mr. A.A. Fisher, you will, please, present a claim for 3,000 Haikwan taels, to be reduced to 2,500 Haikwan taels, if settlement upon the larger amount is found to be impossible.

I inclose a tabular statement containing the names of the various claimants,

(the

the amounts to be asked for in the first instance, and the amounts to be insisted upon, in case a settlement is found to be impracticable upon the basis of the larger demand.

This list, as you will see, contains several names not found in the statement forwarded with your despatch now under reply. In order to facilitate a settlement, please collect the sums claimed by these parties, at the same time with the others, but, before paying over to them the amounts received in their behalf, you should secure from them and forward to this Legation satisfactory evidence of loss.

The fact that the claims of French subjects were paid in Haikwan taels will serve as a precedent for our demanding the same, in case payment is made upon the reduced basis.

If you are able to effect a settlement of the business, please pay to each claimant the amount received for him, without reduction, and take from each a receipt "in full for all claims

(against

" against the Chinese Government for damages
" arising from the riot in the French
" Concession at Shanghai upon the 3rd
" of May, 1874." These receipts should be
in triplicate, of which you will forward
the first and second to this Legation,
and reserve the third for the files of your
office. You will, of course, retain any
amounts which may not be called for,
subject to further advices from me.

I was informed some three months
since, by Prince Kung that he had
instructed the Customs Intendant at
Shanghai to examine into and adjust
these claims with you. I hope therefore
that you will be able to enter upon your
negotiations with that officer at once,
and that you may reach a settlement
at an early day.

Please be so good as to keep me
advised of the progress of the business,
and if, for any reason, it comes to a
standstill, and you find yourself
unable to conclude it upon either of
the bases indicated in this despatch,

(please

please report the fact to me with full details, for further consideration.

I am, &c,

(Signed) Chester Holcombe,

Enclosure.

Despatch No. 93.
Enclosure 3.

Copy

Shanghai, Oct. 29th 1878.

Dear Mr. Holcombe,

Your kind favor 19th inst, came duly to hand and in reply to same would say, I wrote you on the 22nd inst. and enclosed certificate of Dr. Hopkins which I trust has reached you in due time.

In regard to obtaining another certificate from Dr. Pichon it will be very impracticable to do so, as he is out of the country, in France, I believe.

As regards to my remarks in my letter of 12th inst. that I would be "pleased to approve any arrangement you may make towards a settlement" I mean to convey the idea that I shall be satisfied with any amount "more or less" you will in your good judgement accept in my behalf as compensation, and the interest you will take in the case will be the best that can be done for myself.

I remain,
Yours sincerely
(Signed) A. A. Fisher.

Despatch No. 93.
Enclosure 4.

Memo of claimants in the Shanghai French riot affair.

Names.	Amount to be claimed in the first instance		Amount to be insisted upon	
	Sh. Taels.	¢	H.K. Taels	¢
F. H. B. Jenkins.	" 78	00	" 58	50
W. W. Lovett.	" 54	00	" 40	50
C. J. Ashley.	" 220	00	" 165	00
F. E. Haskell,	" 350	00	" 262	50
A. St. John.	" 148	00	" 111	00
Rev. Young Allen.	" 353	50	" 265	13
Miss Dollie Orliens,	" 430	00	" 322	50
Miss Sallie Clark.	" 930	00	" 697	50
W. A. Richard.	" 36	00	" 27	00
Wm Smith.	" 15	00	" 11	25
John Gorman.	" 765	75	" 574	31
Total	" 3380	25	" 2535	19
	H.K. Taels			
A. A. Fisher	3000	00	" 2500	00

Chester Holcombe,

Legation of the United States
Peking, December 19th, 1878

Sent Mar 3.
Note to Span Min
Mar 3.
Instruction to Consul
General at Havana
March 4th

Ack C.P

made

No. 94. Two Enclosures.

Legation of the United States.

Peking, December 21st, 1878.

DEPARTMENT OF STATE
FEB 24 1879
RECEIVED

Chester Holcombe to

the Secretary of State.

Subject.

Convention between China and Spain.

Synopsis.

Forwards a translation of a despatch from Prince Kung, asking the good offices of our Consuls in Cuba to secure the faithful observance of the provisions of the Convention, and a copy of Mr. Holcombe's reply. Asks approval of the latter.

No. 94. Two Enclosures.

Legation of the United States.

Peking, December 21st, 1878.

Honorable William M. Evarts.

Secretary of State.

Sir:

I have the honor to hand to you, herewith, a translation of a despatch received from the Foreign Office which enclosed a copy of the Chinese text of the emigration Convention between this Government and Spain. As the text of this Convention was forwarded to you with Mr. Seward's despatch, number 380, of January 10th ultimo, and as I sent to you a copy of the "joint agreement"

1/94.

"agreement" to which Prince King makes reference, in my despatch, number 86., I do not include translations of those documents herewith.

You will notice that the Prince requests that the Consuls of the United States resident in Cuba be instructed to extend their good offices, as occasion may arise, to secure the faithful observance of the stipulations of this Convention.

2/94. I submit herewith a copy of the response which has been addressed to the Prince, of which I beg your approval, asking your especial attention to the final clause in which he was informed that I shall address him again upon

upon receipt of your instruction in the premises.

I have the honor to be,
Sir,
Your obedient servant.
Chester Holcombe

Enclosures.

1. Prince Kung to Mr. Holcombe
82/1878. December 14th, 1878.
2. Mr. Holcombe in reply.
84/1878. December 21st, 1878.

Despatch No. 94.
Enclosure 1.

82/1878.

Prince Kung, Chief Secretary of State for Foreign Affairs, herewith makes a communication.

In the matter of Chinese laborers in Cuba, this Office through the kind assistance and the good offices of the several foreign Ministers here, some time since came to an agreement with H. E. Señor de España, the Minister for Spain, upon the several articles of a Convention, to which the private and official seals of the plenipotentiaries on either side were affixed.

Upon the 17th of November, 1877, a copy of the sixteen articles of this Convention was sent to you for your information. This Convention has been submitted by myself and Señor de España to our respective Sovereigns, by whom it has been approved.

Upon the 6th instant I had the honor to receive from my Imperial Master, the Emperor of China an Edict (certifying

certifying his approval of the Convention, and with the Imperial Seal attached to the Chinese text of the articles. — Señor de España having also received a certificate of ratification bearing the Royal Seal of the King of Spain, — attached to the French text, we have exchanged these certificates of ratification, and jointly executed an agreement, in Chinese and foreign text, certifying that the Convention to which our private and official seals were set in 1877, is in all its stipulations, to be hereafter observed.

The text of this Convention as approved by His Majesty the Emperor of China, together with the Chinese text of the agreement mentioned above having now been printed in one volume, I have the honor to hand to you a copy herewith. I beg leave to ask that you will communicate its contents to your Government, requesting it to instruct its Consuls resident in the island of Cuba, that in matters relating to Chinese

(laborers

laborers, they should extend their good offices, as occasion may arise, to secure the faithful observance of the stipulations of this Convention. That, in this manner, Your Government may prove anew its friendship for China, is my most earnest wish.

Chester Holcombe, Esquire,
&c. &c. &c. &c.
Peking, December 14th, 1878.

Despatch No. 94.
Enclosure 2.

84/1878

Mr. Holcombe to Prince Kung

December 21st, 1878.

I have the honor to acknowledge the receipt of Y. I. H. despatch of the 14th instant. Please accept my thanks for the copy of the Chinese text of the Convention between China and Spain, and my sincere congratulations that your negotiations with H. E. the Spanish Minister have been brought to so successful a conclusion.

I cannot doubt that it will give the Government of the United States pleasure to accede to the request of Y. I. H., and instruct its Consular Authorities resident in Cuba to extend their good offices as occasion may require to secure the faithful observance of the stipulations of this Convention.

I shall at once communicate your wish to the Honorable Secretary of State, and upon receipt of his instructions in the premises will again

Caddress

address Y. I. H.

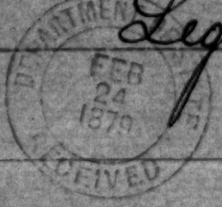
I have, &c.

(signed) Chester Holcombe.

Ack with approval 28 Feb. Mr Peck

Approve. C.P. Mason

No. 95. Two Enclosures.



Legation of the United States.

Peking, December 23rd, 1878.

Chester Holcombe to the Secretary of State.

Subject.

Russell & Co. versus Shen Lou Shan.

Synopsis.

Refers to Mr. Holcombe's despatch, number 90. As the answer given by the Foreign Office to the request that the Intendant at Hankow be instructed to try this case in the presence of our Consul, is not satisfactory, Mr. Holcombe has addressed Prince Kung again, quoting the

the treaty, calling attention to the manifest disregard of its promises by the Taotai, and declaring plainly that the case will not be allowed to rest until a proper trial is granted.

No. 95. Two Enclosures.

Legation of the United States.

Peking, December 23rd, 1878.

Honorable William M. Evarts.

Secretary of State.

Sir:—

Recurring to my despatch, number 90. of the 10th instant, in the case of Messrs. Russell & Company versus Shen Loushan at Hankow, in which I forwarded a copy of a letter addressed by me to the Foreign Office asking that the Intendant be explicitly directed to hear and decide the issue at once, I now have the honor to hand to you a translation of the reply which has been received. 1/95.

In

In it the Prince promises to cause the official named "to "take this case into immediate "consideration, and to decide upon "a line of conduct in it without "delay."

This answer seemed so poorly adapted to the present situation of the business, and so little likely to secure any change in the attitude of the Hankow Intendant — an attitude of wilful disregard of our manifest rights under the treaty, and persisted in for 16 months — that I felt bound to address Prince Kung again, calling his attention more directly to the injustice which I assert.

Russell

Russell & Company are suffering,
and intimating that, while, on
the one hand, we had not asked
that the case be decided against
the defendant without a hearing,
on the other, we should not
consent to have the claims of
our people dismissed without
even the form of a trial. I
also stated to him, plainly,
that the business would not be
allowed to rest until such a
trial as had been asked for by
Hon. Seward and myself, and
to which you had given your
approval, had been granted.

I enclose a copy of my 2/95.
despatch, which, I hope, will
lead H. S. H. to give more

serious

serious attention to this case.

I have the honor to be,

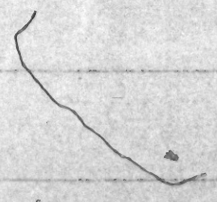
Sir,

Your obedient servant,

Chester Holcombe

Enclosures.

1. Prince Kung to Mr. Holcombe
   81/1878. December 13th, 1878.
2. Mr. Holcombe in rejoinder.
   85/1878. December 23rd, 1878.



Dispatch No. 95.
Enclosure 1.

8/1878.

Prince Kung, Chief Secretary of State for Foreign Affairs herewith makes a communication in reply.

Upon the 6th instant I had the honor to receive your despatch in the case of Messrs Russell & Co. versus Lin Hsing-Fa at Hankow. In it you referred to the request made by Minister Seward in this business that I should instruct the Intendant to fix a day on which he should try the case in the presence of the Consul, and remarked that some misunderstanding existed between the Taotai and Consul, with the result that although 8 months had elapsed, the issue was still undecided. You informed me that you had again instructed Mr. Shepard in the premises, explaining clearly the relative states of himself and the Taotai in the trial, and, you requested me to instruct the Taotai to try, and determine, the case at once, and also to state explicitly to

Chin

him that in the trial he is to invite the Consul to be present, to present evidence and cross examine witnesses, and, in general, to watch the case in the interests of justice, &c. &c.

Upon the 10th. instant you spoke to the Ministers at the Foreign Office in the same sense.

Upon the receipt of Mr. Seward's earlier despatches in this case, I instructed the Viceroy at Hankow to direct the Intendant concerned to hear and decide it. Having now received your despatch, and your personal observations, as noted above, I shall in accordance with your request, instruct the Viceroy to order the Intendant at Hankow to take this case into immediate consideration, and to decide upon a line of conduct in it without delay.

Chester Holcombe, Esquire,
etc, etc, etc, etc,

Peking, December 13th., 1878.

Despatch No. 95.
Enclosure 2.

85/1878

Mr. Holcombe to Prince Kung.

December 23rd, 1878.

Sir:—

I have had the honor to receive your despatch of the 13th instant in the claim of Messrs Russell & Company of Hankow versus Shin Tou Shan, in which you inform me that you will — "instruct the Viceroy to order the Intendant at Hankow to take this case into "immediate consideration, and to decide "upon a line of conduct in it without "delay", &c. &c.

I regret exceedingly that Y. I. H. could not see your way clear to instruct the Hankow Intendant more explicitly in the premises. The claim has been outstanding for more than two years, and has been a cause of active correspondence between Mr. Consul Shepard and the Taotai for 16 months. There is ample proof that the firm of Russell & Co did loan to Lin Hsing for a sum of money with which he purchased coffin-wood, and shipped

(it

it to Tientsin upon the steamers of the firm, upon certain conditions as to the repayment of the loan with interest, the freight, and other expenses. There is also documentary evidence to show that Shen-Tou-Shan agreed to assume Lin-Yung-fa's liabilities in the transaction, and to repay the entire indebtedness of the latter to Russell & Co., and that in order to make good his guarantee he executed in favor of the firm a bill of sale of certain landed property owned by him at Wuchang.

These facts render it absolutely clear that Messrs Russell & Company have a right to seek redress in law against Shen Tou Shan in order to compel him to make good the obligation which he voluntarily accepted towards them. The 24th article of the Treaty between the United States and China States that "where there are debts due "by subjects of China to citizens of the "United States, the latter may seek "redress in law; and on suitable

(representati

"representations being made to the local
"authorities, through the Consul, they
"will cause due examination in the
"premises, and take proper steps to compel
"satisfaction."

I respectfully submit to Y. E. that the Intendant at Hankow has for more than a year persisted in a line of conduct which is in square violation of the obligation contained in the article quoted above, and has refused justice to my countrymen. The fact that the daughter in law of Lin-Hing fa, having learned that an effort was being made to force Shen-Tou-Shan to pay his honest debts, brought a cross suit against two Chinese employees of Russell & Company cannot of itself invalidate the claim of the latter. On the contrary, it only serves to make more imperative the necessity for a full and careful hearing of their case in open court.

Neither Minister Seward nor I have asked that this case be

(decided

decided against Shen Tou Shan without a hearing. We have only asked that the Intendant should act in accordance with the distinct promises of the Treaty and grant a fair hearing, and decide the claim justly. On the other hand it is idle to expect that this Legation will quietly consent to the dismissal of the case without even the pretence of a hearing, or will assent to any procedure which does not involve a trial at — which the Intendant shall sit as judge and our Consul be invited to be present, submit evidence, and cross-examine witnesses, and, in general, watch proceedings in the interests of justice. Nor will the Government of the — United States be satisfied with anything less, as its instructions already received in the premises, amply show. The conduct of the Taotai at Hankow, in refusing for more than a year to carry into effect what he well knows to be a plain promise of your Government to mine leaves me no ground to hope

(that

that he will be moved to a proper line of conduct in this business by anything less forcible than an explicit order from Y. I. H.

I beg leave therefore to renew my request that Y. I. H. will plainly direct him to proceed at once to a trial of the case of Messrs Russell & Co. versus Shen. Tou. Shan, at which he shall invite the presence of Mr. Consul Shepard, for the purposes indicated in this and former despatches.

I have &c,

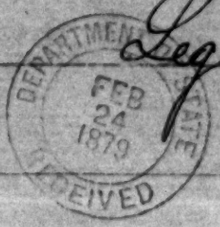
(signed) Chester Holcombe.

Upon his
enclosure
to Wilso. Mar. 25.
Mr Polk.

For the consideration of the Secretary

Wadee

No. 96.



Legation of the United States.

Peking, December 23rd, 1878.

Chester Holcombe to

the Secretary of State.

Subject.

Telegraphic cable between the United States and China.

Synopsis.

Mr. Celso Caesar Moreno, the projector of a scheme for laying the cable, has sought Mr. Holcombe's assistance in securing a subsidy, and other aid, from the Chinese Government. Mr. Holcombe has declined, for reasons given

given at length in this despatch,
to render such assistance, without
previous instruction from the
Secretary of State.

No. 96.

Legation of the United States.

Peking, December 23rd, 1878.

Honorable William M. Evarts.

Secretary of State.

Sir:—

I have the honor to inform you that Mr. Cesare Saroens, an Italian by birth, but a naturalized citizen of the United States, and the projector of the "Trans Pacific Cable Company," has recently arrived in this city. He has come hither, as he informs me, in the hope of inducing the High Authorities of China, to grant certain concessions to his enterprise, such as permission to land the sea cable, locate and establish

establish lines upon land, and, above all, to subsidize the company.

Before coming to Peking, Mr. Moreno spent some weeks in Tientsin, where he endeavored to secure the support of the viceroy, Li Hung Chang, to his scheme. The outturn of his efforts there, as he informs me, was very small. The viceroy expressed his sympathy with the enterprise, and said that, as the ocean was the highway of the world, Mr. Moreno could lay his cable there without the consent of China or any other Power. But when asked for his influence in favor of permission to land the cable in this Empire, he pleaded press of business and evaded the subject.

While

While in Lientain, Mr. Moreno wrote to me stating his business, in which he said progress would be slow, and applied for a position as clerk in this Legation. In reply, I assured him of my readiness to aid his enterprise in all legitimate ways, but declined to grant his request for employment.

He arrived in this city upon the 11th instant, and immediately called at this Legation to lay his business before me, and to ask my active co-operation in his behalf. He submitted a certified copy of the Act of Congress incorporating the "Trans Pacific Cable Company," furnished him under

under your hand and seal, but no other papers whatever. Careful inquiry as to the present status of the Company elicited from him the following statement.
It was organized by the election of officers and a board of directors, in San Francisco, in August 1876. But upon the following day the entire body, with the exception of Mr. Moreno who had been chosen Vice President, resigned, on account of the anti-Chinese excitement in California. Since then no new Company has been formed, and no capital stock has been either paid in or even subscribed.
In short, Mr. Moreno represents, in his own person, the head and

the

the membership of the organization, and he has no pecuniary means, either private, or subject to his control, with which to prosecute the enterprise named. An Act has been passed in the Hawaiian Islands granting liberal concessions to this, or any other, deep sea cable company, and Mr. Moreno informs me that there will be no difficulty in securing permission to land the cable in Japan, with, perhaps, some special privileges.

But he says that the success of the enterprise depends upon the grant, by the Chinese Government, of permission to land the cable in this Empire, and the allowance of a very considerable subsidy.

subsidy. Without this, he declares that nothing can be done, and with it he hopes to be able to organize a new company, and raise the necessary capital to put the line into operation.

Upon this representation of the present status of the enterprise, as given by Mr. Morens, I have felt obliged to refuse his request for my efforts in his behalf with the High Authorities here, and to say that, in my opinion, he is prosecuting his enterprise from the wrong end. And I have given to him the following reasons for my decision. The hope of securing a money grant here, or special concession

of

of any sort for his project is chimerical in the extreme.

"For, in the first place, with barely one or two notable exceptions, the attitude of the official class in China is intensely hostile to all foreign improvements. It is barely a year since the only railway line ever laid in China was torn up by the orders of one of her highest officers, with the consent of the Foreign Office, and in the face of the energetic protests of every foreign representative at this Capital. It is less than a year since a formal demand was made by the Southern Superintendent of Foreign Trade — an official who has control

over

over two thirds of the Empire
for the removal of the telegraph
line between Shanghai and
Woosung.

In the second place, the
Chinese Government is, at the
present moment, in great pecuniary
straits. Her resources have been
exhausted in the prosecution of
a very expensive military campaign
in the West, and by years of
most frightful famine throughout
the northern half of the country.
Unable to raise loans from her
own people, by reason of their
distrust, which is founded upon
a long experience of the greed and
duplicity of the officials, she is
raising funds in European markets,
for

for which she pays from 10% to 14%
interest, and to secure which, she
is obliged to hypothecate her
Customs revenues. And this
process has probably been carried
as far already as a safe margin
will allow.

It is therefore utterly idle to
look to this Government for any
material aid to the enterprise
which Mr. Isoreno has in hand.

With an energetic and
wealthy organization, ready to
lay the line in question at once,
and supported by the full
influence of our Government,
aided, perhaps, by the friendly
support of European Powers, the
bare privilege of landing the cable
in

in China, would probably not be granted without protracted discussion and much opposition. For we should not only have to contend against the intense prejudices of the Chinese, already referred to, but also against the active opposition of the Great Northern Telegraph Company, whose line between China and Japan would be unfavorably affected by our success.

But, in the absence of all these most necessary preparations, it would seem to me to be the merest childs play to broach the subject to the Foreign Office, and would be likely to injure our influence here, while it could by no possibility

possibility advance the interests of the project which Mr. Isoreno has so much at heart.

I have said to him that, as he has assurances that no obstacles will be put in his way in Japan or the Hawaiian Kingdom, the wiser course would be to perfect the organization of his company, and lay his cable to those countries, and thereafter to take measures to secure its extension to China.

I need hardly say that I am entirely in sympathy with Mr. Isorens in his desire for the establishment of direct & telegraphic communication & between our country and China. He seems to be not only very enthusiastic

enthusiastic, but entirely honest in his advocacy of the scheme. But while it is so absolutely in embryo as at present, I have not felt at liberty to use any official influence in his behalf without definite instruction from you. When such instruction is received, it will give me pleasure to carry it into effect to the best of my ability.

I have the honor to be,
Sir,
Your obedient servant.
Chester Holcombe

Telegram – Cipher

Peking, December 26, 1878.

Evarts,

Secretary,

Washington, D.C.

Olyphant Company claim million quarter dollars from Chinese government in Peruvian business.

Shall I present demand?.

Quarter million actual loss; balance prospective.

Elmore makes no effort and will do nothing for them.

Please telegraph.

Holcombe.

Received Jany. 12, 1879.

File

Inclosure

No. 97. Three Enclosures.

Legation of the United States.

Peking, December 26th, 1878.

DEPARTMENT OF STATE
FEB 24 1879
RECEIVED

Chester Holcombe (

to the Secretary of State.

Subject.

Claim of Messrs. Clyphant & Co. against the Chinese Government.

Synopsis.

Forwards certain papers which set forth a claim to the amount of $1.231.056.26 for losses consequent upon the action of the Chinese Authorities of Canton in obstructing the emigration of Chinese to Peru. Discusses certain features

features of the business which cause it to bear with peculiar hardship upon Messrs. Oliphant & Company. Asks for instructions in regard to the presentation of the claim to the Foreign Office.

No. 97. Three Enclosures.

Legation of the United States.

Peking, December 26th, 1878.

Honorable William M. Evarts.

Secretary of State.

Sir:-

In my despatch, number 24, of July 5th last, detailing the obstructions put in the way of free Chinese emigration to Peru, upon the steamship "Peruvia", of which vessel Messrs. Olyphant & Company are the agents, I stated that the firm had indicated, to Mr. Consul Lincoln, that they might prefer a claim for damages against the Government of China. I now have the honor to hand to you a copy of

97

of a letter which I have received from them, covering certain papers which set forth a claim for compensation for losses to the extent of $1.231.056.26, arising from the obstructive action of the Chinese Authorities at Canton. Copies of all these papers will be found herewith, with the exceptions of "exhibits A. B. C. D. E. and F." Of these exhibits A. D. and E. form enclosures 1. 4. and 3. respectively, to my despatch number 24. C. and F. are unimportant. B. is an ordinary form of charter party, and sets forth that Messrs. & Alyphant & Company chartered the steamer "Nemesis" - "Perusia" of Peter Fleming, Esquire for a term

term of twelve months certain from the date of her arrival at Hongkong, and that they pay for the hire and use of the vessel the sum of £1.570. sterling per calendar month, and all her running expenses.

At the same moment with the receipt of these papers, I learned from private sources that the house of Olyphant & Company, one of the oldest and most highly respected of foreign firms in China, had been forced to suspend payments. Whether the difficulties put in their way at Canton, and for which they ask compensation, have been the cause of their failure, or whether it is partially or wholly

attributable

attributable to misfortunes of another sort, I am at present unable to say.

2/97. I enclose a copy of a letter which I have addressed to them acknowledging the receipt of their papers and informing them that, as the sum claimed is so large, and as there are questions of a somewhat complicated nature connected with it, I have thought best to seek your instructions by telegraph, before deciding upon a line of conduct in the premises.

3/97. And I also beg leave to enclose a copy of a telegram which I am sending you to day, via Russia. For obvious reasons I thought best to put it into

into cipher. In view of your instruction, number 246. of September 7th ult, and your telegram of September 10th ult, I could not place this claim at once before the Foreign Office. On the other hand, the interests at stake seemed so grave that I did not feel at liberty to delay action until I could be advised by you in the ordinary course of mail communication. I hope therefore that my course in referring to you by telegraph will be approved.

There are certain features of this business which cause it to bear with peculiar hardship upon Messrs. Oliphant & Company. By the terms of their contract with

with Peru — see despatch number 24. enclosure 1. — the amount of subsidy received is virtually made dependent upon the number of emigrants taking passage to Peru in their vessels. Thus, in the first year of the contract, three round trips were to be made and, as a minimum, fifteen hundred Chinese emigrants carried from China to Callao. If the three voyages were not made, the firm becomes by the contract liable to a fine of 5.000 soles-dollars — for each trip short of that number, and in addition forfeits a corresponding portion of the subsidy. And, further, by the terms of the 18th article of the contract

contract, Messrs. Oliphant & Company are estopped from appeal to their own Authorities as against any injustice on the part of the Government of Peru, since they have agreed that in no case shall questions between the Government and the Company give origin to diplomatic intervention. Hence, should the Chinese Authorities refuse to allow emigration, and the Peruvian Government fail to & force China to carry out her part of the treaty, Messrs. Oliphant & Company would either be forced to submit to a heavy loss entailed by the expenses of sending empty steamships over a long sea route, or would be liable to the payment

of

of a fine to the Government of Peru, if indeed they were not subjected to both these hardships.

As a matter of fact, a year has elapsed since the commencement of the service, during which time only two trips have been made, and barely 50 emigrants carried. It is patent to every person, who is at all cognizant of the facts, that the difficulties which have interfered to prevent the fulfilment of the contract for the past year are difficulties for which & Clyphant & Company are in no degree responsible, and which they are entirely powerless to & remove. Those difficulties are the outgrowth of the ill treatment of

of Chinese laborers in Peru in last years, and of a deep seated distrust of the good faith of the Peruvian Government in the minds of Chinese officials. Witness the remark of the Ministers of the Foreign Office as reported in my despatch number 28., that "they "did not doubt the good intentions "of Messrs. Clyphaunt & Co., and if "they desired to take passengers to "the United States they should have "all they desired and no questions "would be asked. But they were "suspicious of Peru."

Those difficulties have nothing to do with the carriers of the emigrants, but with the Government of the country which seeks their labor

labor, and that Government alone can overcome them, and secure the observance of her treaty with China. Yet, because of those difficulties, Clyphant & Company are not only heavy losers from being obliged to run an empty steamer between Canton and Callao, but they are also actually mulcted in a portion of their subsidy, and, as though that were not enough, are in addition liable to be called upon to pay a fine of $5000 into the Peruvian treasury!

It is true that the Peruvian Government has had a Minister in China since May last, whose special and only business here

is

is to see that these obstacles are removed, and that emigrants who desire to take passage to Callao are not hindered by Chinese officials. Nothing has, however, been accomplished in that direction, and it is quite safe to assume that nothing will be in the near future. Indeed, it is no injustice to my colleague to say that he has made no serious and vigorous effort for their removal. My despatch, number 55, of October 19th recited all the steps taken by him up to its date. Since then not a word, either verbal or written, has passed between him and the Foreign Office. I must confess

to

to some degree of indignation at the careless manner in which he treats his business. But it is exceedingly trying to one's composure to see an American firm, long known and honored for its integrity and honest dealing, ground to pieces between the upper and nether millstones of Chinese suspicion, and Peruvian indifference.

You will notice that Messrs. Oliphant & Company, in their letter, defer to my judgment as to whether the immediate presentation of their claim would affect unfavorably negotiations now in progress between Mr. Elmore and the Chinese Government, etc. Upon

Upon this point, I am of opinion that it will be necessary to decide what is best to be done with their claim and in their behalf generally, as an independent question. As I have already indicated, there are no negotiations now in progress between those two parties. Still further, the failure of Oliphant & Company will, I presume, end the contract between them and Peru, and hence disassociate them from any future negotiations upon the question of emigration. From the information available to me, it does not seem likely that the firm will be successful in obtaining any redress from the Chinese

Chinese, through the efforts of the Peruvian Government in their behalf, nor from the Authorities of that Republic directly. Hence whatever is done for them must be done by our Government.

You will see that, of the total damage claimed as by the account in "exhibit I," the sum of $162.232.^{93} is for actual loss already incurred in the trip of the "Persia" commencing at Canton, July 22nd last, and includes 45 days demurrage at $1,000 per diem. The balance of the claim — $1.068.823.^{33} — is prospective, and represents the estimated losses upon the future trips of the vessel to the completion of

of the five years for which the contract is made. But it is safe to assume that the loss of the firm upon the first trip of their steamer, which, you will remember, was made from Hongkong, was the same as the loss on the later trip from Canton — or say $117.232.93. Hence it appears — assuming their figures to be correct — that Messrs. Olyphant and Company are actual losers to the extent of $279.465.86 up to the present.

It will, of course, be for you to decide:—

1st whether any claim on behalf of Olyphant & Company is to be presented

presented to the Chinese Government.

2nd, if a claim is to be presented, whether it shall include both actual and prospective losses, or only the former; and

3rd, whether, supposing prospective losses to be excluded, and it can be shown that the failure of the firm has been a result of its connection with this emigration scheme, any general indemnity is to be demanded on that account.

I must beg of you to take note of the contents of my confidential despatch, number 98. in your consideration of the subject of which this treats.

Soliciting your instructions

in

in this most unfortunate business,

I have the honor to be,

Sir,

Your obedient servant.

Chester Holcombe

Enclosures.

1. Messrs. Olyphant & Co. to Mr. Holcombe, Canton, November 26th, 1878.
2. Mr. Holcombe in reply. December 23rd, 1878.
3. Copy of a telegram sent to the Secretary of State, December 26th, 1878.

Despatch No. 97.
Enclosure 1.

Copy

Canton, November 26th, 1878.

Chester Holcombe Esquire,
Chargé d'Affaires
United States Legation.
Peking.

Sir:—

With reference to the subject of the correspondence we had the honor to address to you in June and July last, we beg now to submit to you papers supporting a claim, on the Imperial Government of China for compensation for loss, and damage to which we consider ourselves entitled, in consequence of the action of the Chinese Authorities, at Canton in obstructing free emigration to Peru by the Steamer "Perusia".

The papers enclosed are as follows:— Declaration of Mr. John Ferris Seaman, Statement of claim, marked Exhibit I, Exhibits A, B, C, D, E, F, G & H referred to in the said declaration of Mr. Seaman.

We would

We would ask your careful consideration of the claim set forth in these documents, and more fully supported by the official correspondence at Canton, of which copies are already in your possession. We seek redress and compensation from the Imperial Authorities and to this end we berpeak your intervention in our favor and would request, if you see your way clear to do so, that you will present our claim to the said Authorities for payment and use your best efforts to press the matter to a conclusion with as little delay as possible.

In making this request, however, we wish to defer to your judgement should you be of opinion that the immediate presentation of the claim would unfavorably affect negotiations at present being carried on at Peking between His Excellency Dr. Elmore, Peruvian Minister, and the Chinese Government, having for their object the removal of the obstructions of which we have

(complained

complained and by which we have suffered, and are suffering the loss for which we now seek compensation.

Commending our interests in this matter to your best care.

We have the honor to remain,

Sir,

Your obedient servants.

(Signed) Oliphant & Co.

Copy

The American Mercantile firm of Olyphant & Co. of New York Hong-Kong and China } Claim for Damages.

versus

The Imperial Government of China. } Amount of Claim $1,231,056,26. and interest.

John Ferris Seaman, a citizen of the United States of America, and partner in the above named firm of Olyphant & Co. declares and represents that heretofore to wit. During the years of 1874 and 1875 the Imperial Government of China and the Republic of Peru — entered into and concluded a treaty now in force, the 6th Article of which guarantees the right of their subjects respectively, to go freely from the one country to the other for the purposes of curiosity, trade labor or as permanent residents. That relying upon the said Treaty, and upon the

(good

good faith in which the provisions —
thereof would be carried out by both the
high Contracting Parties, the said
American firm of Olyphant & Co. aforesaid
did on or about the 20th day of April,
1877, enter into a contract with the said
Republic of Peru particulars of which,
are embraced in the accompanying —
translations dated Lima March 17th,
& March 26th 1877, marked Exhibit A,
to establish, and conduct a line of —
steamships between China and Peru
for the purpose of facilitating the —
emigration of free Chinese laborers to
Peru.

That said declarent further —
represents that the said firm of —
Olyphant & Co aforesaid on the due —
execution of the said contract aforesaid,
did in order to the due fulfilment of
the provisions thereof, charter a steamship,
then known as the "Nemesis" now the
"Peruvia," to ply on the said route or
line aforesaid pursuant to the provisions
of the contract heretofore mentioned.

(Copy

Copy of charter party herewith, marked Exhibit "B."

That said declarent further represents that, the said firm of Olyphant & Co desiring to make the port of Canton the terminus in China of the said route or line aforesaid, did in writing as per copy of letter herewith marked Exhibit C, and by personal application request the United States Consul at the port of Canton, to lay before and explain to H. E. ~~Viceroy~~ Lee the Viceroy and principal local Chinese Authority at the said port, the scheme of free emigration of Chinese to Peru embraced in their contract aforesaid, and the intention and desire of the said firm of Olyphant & Co in carrying on the proposed business aforesaid, and also to request the said Viceroy Lee to issue and post a proclamation for the information of the people announcing the establishment of the said line of steamers in pursuance of the Treaty between Peru and China, by the said

(firm

firm of Olyphant & Co. agents of the Peruvian Government and that the contemplated emigration would be free and voluntary and that the Chinese might emigrate freely if they wished to do so.

That, said declarent further represents that as he is informed the said United States Consul did both in writing as per copy of despatch herewith marked Exhibit D, and by personal interview make to the said Viceroy Lee, the principal Chinese Authority aforesaid, full, and explicit explanation of the character and conditions of the said proposed emigration and that after hearing the representations and explanations aforesaid and the request for the issuance of the said proclamation, the said Viceroy Lee, the principal local Chinese Authority, did on or about the 30th day of December, 1877, cause to be issued a proclamation as aforesaid recognising the legality of and commending the said business

(or

or enterprise of the said firm of Olyphant & Co. Copy of proclamation herewith — marked Exhibit E,

That, the said declarent further represents that he is informed and believes to be true that in response to inquiries made by the said United States Consul, as to the rules and regulations governing the embarkation and emigration of Chinese subjects, the said Viceroy Lee, the principal Chinese local Authority aforesaid, stated that, an examination on board the said steamship "Persia" by officers whom he would depute, of such Chinese subjects as desired to emigrate to ascertain whether they were going to a foreign country of their own free will or otherwise, constituted the rules and regulations governing such emigration.

That said firm of Olyphant & Co. relying on the good faith in which the provisions of the Treaty aforesaid would be carried out by the said Chinese Authorities and that the said proclamation

(would

would be posted and its injunctions —
enforced and holding themselves in —
readiness to co operate with, and aid
the said officers to be deputed as —
aforesaid, in carrying out and enforcing
the said rules and regulations governing
the embarkation and emigration of —
Chinese subjects as aforesaid, did, —
during the month of May 1878 at —
great expense, proceed to and fit out the
said steamship "Perusia" with the
requisite fittings and supplies for the
proper carrying thereof to the number
of ten hundred and fifty (1050) —
steerage passengers which by actual
measurement under existing regulations
the said steamship "Perusia" was able,
and entitled to carry.

The said declarent further represents
that, the said firm of Olyphant & Co as
lessees took on rent, a building and —
premises situated on Canal Road in
the City of Canton to be used as an
Agency for the said steamship line
aforesaid. That at this Agency one

(of

of the proclamations aforesaid, was posted. A notice announcing the arrival and intended departure for Callao, Peru, of said steamship "Peruvia" was also posted at said Agency and in other conspicuous places. Copy of notice herewith, marked Exhibit F.

Further that prior to, and during the month of May, 1878, and upon the opening of said Agency and the announcement that the said steamship "Peruvia" would be despatched, the said firm of Olyphant & Co had applications for the passage of Chinese subjects desirous of emigrating to the extent of the full capacity of the said steamship, and that in reference thereto they engaged such passages as more particularly set forth in the affidavit of F. R. Talbot herewith and marked Exhibit G. That as to such intending emigrants, they were as he, the said declarent is informed and believes, desirous of emigrating of their own freewill and as he affirms and declares, free of any contract whatsoever binding them to

(service

service or labor, after their arrival in Peru.

That said declarent further represents that on the 24th day of May the said firm of Olyphant & Co. made application to the Commissioner of the Imperial Maritime Chinese Customs at Canton for permission to embark ten hundred and fifty (1050) steerage passengers on board the said steamship "Peruvia", Copy of application herewith marked Exhibit H,

That the said declarent further represents that during and in the meantime, about forty (40) of the intending passengers who were peaceably awaiting permission to embark were by order of the Chinese local Authorities arrested and imprisoned. Charged with being engaged in the "Coolie Trade". That notwithstanding at their examination U.S. Vice Consul Talbot being present, each one, stated he was going as such passenger as aforesaid, freely and voluntarily, they were kept in prison from two to four weeks. Further that during and in the meantime the building and premises used by the said

(firm

firm of Olyphant & Co as an agency as aforesaid, were without the shadow of legal right seized and closed by the said Chinese local Authorities on the ground, as he the said declarent is informed and believes, that the said building was being used as a place in which to entice Chinese subjects to go abroad. Further, that proclamations were about this time issued, circulated and posted by the said Chinese local Authorities denouncing emigration to foreign countries &c, their object being clearly to discredit and prevent the free emigration of Chinese to Peru.

That said declarent further represents that the unwarrantable arrest and imprisonment of intending passengers, as aforesaid, and the illegal seizure of the premises used by the said firm of Olyphant & Co as an agency as aforesaid could not but and did result in intimidating and deterring hundreds who were anxious to take passage on said steamship "Peruvia" for Peru from so doing.

That

That said declarent further represents that anticipating the immediate permission for the embarkation of the passengers engaged for the said steamer as aforesaid the departure of the said steamship "Perusia" was publicly advertised to take place on or about the 31st day of May, 1878.

That in reply to the said application for permission to embark passengers as aforesaid the said firm of Olyphant & Co were on the 31st day of May, informed by the said Commissioner of Customs and also by the said principal Chinese local Authority that additional rules and regulations to govern the embarkation and emigration of Chinese subjects had been framed and would be put in force. That under these rules Chinese subjects could not embark on said steamship "Perusia" with a view to emigrate until they had appeared at the Custom House and there been examined by a Commission appointed by the Chinese Authorities and had

(ratified

satisfied said Commission that they were bona-fide passengers going abroad freely and had paid their own passages, that if said intending passengers stated they were going abroad of their own free will and it was found they carried no baggage their statements would not be taken as true and they would not be permitted to embark.

The said declarent further represents that the procrastination on the part of the said Commissioner of Customs and the said Chinese local Authorities in replying to the said request for permission to embark passengers as aforesaid necessitated a postponement of the date of departure of said steamship "Persia" causing damage and loss to the said firm of Olyphant & Co. That the date advertised for the departure of said steamship as aforesaid having now passed and each days detention of said steamship causing great expense and loss, the said firm of Olyphant & Co desiring to avoid such expense and loss by the early

early despatch of said steamship "Persia" attempted to comply with the said — additional rules and regulations, aforesaid, although formally protesting against their enforcement as being in contravention of the spirit and intent of the said treaty, aforesaid, and causing them the said firm of Olyphant & Co serious loss and damage.

Further, that about (40) forty of said intending passengers applied to the said Custom House for examination — pursuant to the aforesaid additional rules and regulations that, out of the number thus examined over thirty were succesful in passing the said examination and were permitted to embark, when the said firm of Olyphant & Co were — informed by the said Chinese Authorities that further and additional rules and regulations to govern the embarkation and emigration aforesaid had been adopted and would be enforced, that under these further and additional rules aforesaid, no Chinese subject would be permitted to

(embark

embark on the said steamship "Persia" unless he produced a sealed declaration from some trustworthy Chinese shop, firm or individual, of known respectability — vouching for the accuracy of his — statements, and that this rule would also apply to the said intending passengers who had previously been permitted to embark as aforesaid.

That said declarent further — represents that the arrest and imprisonment of intending passengers as aforesaid, the issuance, circulation and posting of the said proclamations last mentioned, the adoption, enforcement and of arbitrary and restrictive rules and regulations and many other acts of intimidation originated by or known to and countenanced by the said Chinese local Authorities were all of a nature to prevent and did in fact prevent the embarkation of the emigrants who had engaged passage by the said steamship "Persia", who were thereupon compelled to return to their homes to their own detriment and the serious

(discredit

discredit of the said firm of Olyphant & Co. That the action of the said Chinese local Authorities thus complained of tended to and did interfere with and prevent the prosecution of a legitimate and honestly conducted business. Such action being in reality a prohibition and refusal to permit the free emigration of Chinese subjects, said prohibition and refusal being a direct violation of rights — guaranteed under the said Treaty — aforesaid, that the frequent changes in the rules and regulations aforesaid necessitated a delay in despatching the said steamship "Persia" causing serious loss and damage to the said firm of Olyphant & Co, and ultimate losses more particularly set forth in Exhibit I herewith.

That said declarent further — represents that he is informed and — believes to be true that the said — Chinese local Authorities did, prior to the issuance of the last mentioned rules and regulations, state that such rules

(and

and regulations would be put in force to govern the embarkation and emigration of Chinese subjects as aforesaid as would precludethe possibility of the said firm of Olyphant & Co, or intending emigrants by the said line of steamers aforesaid complying with them. That the said rules and regulations last mentioned were then put in force and were such as rendered it impossible for Chinese subjects to embark by said steamship "Peruvia" for Peru. That the said firm of Olyphant & Co, becoming satisfied that the said Chinese local Authorities were determined to prevent the emigration of Chinese subjects to Peru and having already been caused serious loss and damage by delay were compelled to, and did despatch the said steamship "Peruvia" on the 22nd day of July she having in consequence of the arbitrary and illegal action of the said Chinese local Authorities as aforesaid been permitted to receive only 19 passengers for Peru.

That said declarent further

(represents

represents that he firmly believes it was and is the intention and determination of the said Chinese local Authorities aforesaid to avoid and disregard the provisions of the said Treaty aforesaid.

That the non-compliance with the provisions of said Treaty and the many obstacles thrown in the way as aforesaid by the said Chinese local Authorities were purposely done to prevent, and did prevent the succesful carrying out on the part of the said firm of Olyphant & Co of the free emigration of Chinese subjects in pursuance of the contract aforementioned thus causing them the said firm of Olyphant & Co serious loss and damage to the amount or sum as nearly as can be presently estimated of One million two hundred and thirty one thousand and fifty six and 26/100 dollars ($1,231,056,26) as set forth in the account and statement of same marked Exhibit I herewith.

Wherefore the said firm of Olyphant & Co; by the said John Ferris Seaman

Seaman partner &c. as aforesaid prays payment of the said sum of —— $1,231.056,26) and interest to date of payment by the said Imperial Government of China.

(signed) John Ferris Seaman,
of the firm of
Olyphant & Co.

U. S. Consulate
at Canton

I hereby certify that on this twenty fifth day of November, 1878, John F. Seaman the within — named declarent was duly sworn by me. That he had read the foregoing —— declaration and knew the contents thereof; and that the same is true of his own knowledge except as to matters therein stated to be of his information or belief, and as to those matters he believes them to be true.

Seal

Given under my hand and seal of office at Canton, this twenty fifth day of November 1878.

(signed) C. P. Lincoln.
U. S. Consul.

That during and prior to the said month of May I received applications from Chinese subjects in excess of the complement of the said steamer for passage to Callao by said steamer. That pursuant to such applications I positively engaged passages for eight hundred such intending passengers; and that as to the remaining capacity of said steamer, say two hundred and fifty passengers — I made provisional engagements,

Further, that, the intending passengers to the number of eight hundred, who had engaged passages and the others provisionally engaged as stated - were prevented from embarking on board the said steamship "Peruvia" by the Chinese local Authorities at Canton, as set forth in the declaration of John Ferris Seaman, dated this day to which this affidavit is attached and marked Exhibit G,

(signed) Frederic Richmond Talbot.

Sworn to and subscribed
before me this twenty fifth
day of November, 1878.

signed C. P. Lincoln.
U. S. Consul.

Exhibit G.

United States Consulate }
at Canton. }

This day personally appeared before me C. P. Lincoln, United States Consul, Frederic Richmond Talbot, to me well known, who being by me duly sworn deposes and says that, he is a citizen of the United States of America, and an employé of the firm of Olyphant & Co, that acting as such employé he had charge of the passenger business of the line of steamers established between China and Peru by the said firm.

That the steamship "Peruvia" of the said line having arrived at Whampoa, port of Canton, and being coaled, loaded and provisioned and fitted for the conveyance of one thousand and fifty steerage passengers with berth accomodations, provisions and all requisites according to law, was appointed and advertised to be despatched on the 31st day of May, 1878, for Callao, Peru, touching at Honolulu,

(That

Exhibit H.

Copy.

Canton, 24th May, 1878.

To the

Commissioner of Customs.

Canton,

Dear Sir:-

The Peru and China Mail Steamship Co's steamer "Perusia" being now ready to embark passengers for Honolulu and Callao, we have to request that you give us the necessary permission to embark One Thousand and Fifty (1050) steerage or deck passengers.

Asking the favor of an early reply to our application,

We are, Dear Sir,

Yours faithfully,

(signed) Olyphant & Co

pr. T.R. Talbot, Agents.

True Copy

(signed) C.P. Lincoln.

U.S. Consul.

Exhibit I.

Canton, China. 25th Nov. 1878.

The
Imperial Government of China
to the American Mercantile firm
of Messrs Olyphant & Co of New York
Hong-Kong and China Dr

For loss and damage to the amount
or aggregate sum of One million Two
hundred thirty one thousand fifty six
and 26/100 dollars ($1,231,056,26) and
interest to date of payment, as set
forth in statement of claim hereto
attached and marked Exhibit I,
Such damage and loss being caused
by the non compliance of said Chinese
Government with the provisions of a
Treaty relative to free emigration —
entered into and concluded between
the said Imperial Government of
China and the Republic of Peru —
during the years 1874 & 1875, All of
which is more fully set forth in a
declaration hereto attached. $1.231.056,26.

(signed) Olyphant & Co.

Sworn to before me in office
at Canton this the 25th day of
November, 1878.
(signed) C. P. Lincoln.
U.S. Consul.

Statement of Claim upon the Imperial Government of C
that will be sustained by the American firm of Clyphant & C
to permit the free emigration of Chinese subjects to the Repu
between the two countries.

Demurrage of the steamer "Peruvia" at the port of Ca
was appointed to sail until the actual day of departur
having been obstructed by the Authorities during this p
Passage money of the steamers complement of 1,050 Pas
steamer, but for the obstructions complained of @
Less amount actually received for passage money to H
Proportion of subsidy payable by the Peruvian Governm
passengers as stipulated in the Claimants Contract b
to embarkation at the rate of $160,000 for 1,500 pass
first year of Contract _____
Less earned on 19 passengers permitted to embark. _____

Less Estimated expenses of round voyage to Callao
Charter money, 4 months at £1,570. or say $
Coal, 2,700 tons @ $11.60 _____
Saloon Stores _____
Provisions for 1050 passengers @ $7.25 each _____
Chandlery & Engineer's sundries _____
Wages and provisions of Crew _____
Tonnage & Port Dues _____

Deduct. Estimated Passage money of returning Emigr
Freight earned £2,989:17:10 @ 3/10 _____
Estimated net Loss on voyage of "Peruvi
Estimated Loss that will be sustained in consequenc
of China to free emigration of Chinese subjects to Per
Government of Peru, viz;
Subsidy for 5 years @ $1
Less entered in account fo

of China for Loss already sustained and estimated Loss
t & Co in consequence of the refusal of the said Government
Republic of Peru in accordance with the existing treaty

Canton, from June 7th, 1878, on which date the			
ture July 22nd, 1878, the embarkation of passeng			
is period. 45 days at $ 1000 pr. day			45.000 00
Passengers who could have been carried in the			
@ $ 80. each		$ 84,000.00	
to Honolulu and Callao		" 7.199.00	76,801 00
nment in consideration of carriage of 1,150			
ct but lost to them by reason of obstructions			
assengers required to be carried during the			
		$ 112,000.00	
		" 2.133.33	109.866 67
			231,667 67
ao and back viz:-			
y $ 8.200 pr. month		32,800 00	
		31.320 00	
		5.374.05	
		7.612.50	
		2.127.62	
		13.000.00	
		2.800.00	
		95.034.17	
migrants	10,000 00		
	15.599.43	25.599.43	69,434 74
unia" already entered upon			162,232 93
ence of continued prohibition of the Government			
Peru under Olyphant & Co's Contract with the			
$ 160.000 pr. annum		$ 800,000 00	
t for voyage already undertaken		" 109.866.67	690,133 33
		carried forward	852,366 26

		Brought forward	852366
5	Passage money of 27,300 passengers during 26 stipulated voyages @ $ 80. each	2.184.000.00	
	Less estimated cost of the said 26 voyages based on net expenses shown to be incurred on voyage already undertaken $ 69,436;	1.805.310.00	378.690
		Dollars	1,231,056

E. & O. E.

With interest to date of payment.

Canton, 25th November, 1878.

(signed) Olyphant & Co.

Despatch No. 97.
Inclosure 2.

Mr. Holcombe to Messrs Olyphant & Co.
Canton.
December 23rd, 1878.

Gentlemen:—

I have had the honor to receive your letter of the 26th ultimo covering statement of a claim against the Imperial Government of China for compensation for loss and damage caused by the action of the Authorities at Canton in obstructing free Chinese emigration to Peru by the steamer "Peruvia" of which you are the agents and charterers.

This claim amounts to $1,231.056,26 and interest to date of payment.

I shall give to this matter most serious and careful consideration. But as the amount involved is so considerable, and the questions relating to it are somewhat complicated, I have thought it best to seek by telegraph, the instruction of the Honorable Secretary

(of

of State before taking any action in the premises.

I shall in due course inform you of the decision which may be reached in regard to presenting your claim to the Chinese Authorities.

I have, &c.

(signed) Chester Holcombe.

Despatch No. 97.
Inclosure. 3.

Telegram.

Peking, December 26th, 1878.

Evarts.
Secretary.
Washington, D. C.

Oliphant Company claim million quarter dollars from Chinese Government in Peruvian business. Shall I present demand. Quarter million actual loss, balance prospective. Elmore makes no effort and will do nothing for them. Please telegraph.

Holcombe

(Sent in cipher.)

December 26th 11

Evarts, Secretary Washington. D. C.

YGGXW ZXXYF JFKEA PGKDY

JAWAO YXMZP VQZPN YGWJT

EUJNY PSREH EBDNG KKUHH

WQREU KKBIO ZXYZD MXZRD

ESKAR MEJVD KXXTH JOUTB

OOJUH VZRAR MPUJL GCRAR

YWALP UOUYH IKTRU KVXDG

KBWHF VBVJQ KWUNH AUTPE

ZXPKO UGPNM YQIDM CUTPE

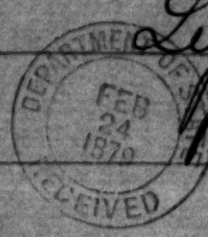
QBVXR KOAVE KGZOT ZFI

Holcombe

- Not to be published -

Confidential.

No. 98.



Legation of the United States.
Peking, December 26th, 1878.

Chester Holcombe to
the Secretary of State.

Subject.

The action of the Peruvian Minister in connection with Chinese emigration

Synopsis.

Mr. Holcombe states that the Peruvian Minister is making no effort to secure the removal of the hindrances to free Chinese emigration to his country. States the substance of a conversation had with him upon the subject,

and

gives his reasons for the belief that nothing will be done by Hon. Elmore for the relief of Messrs. Oliphant & Company.

Confidential.

No. 98.

Legation of the United States.

Peking, December 26th, 1878.

Honorable William M. Evarts.

Secretary of State.

Sir:—

I have felt it to be my duty to supplement my despatch, number 97. of this date, with a few remarks upon the course of the Peruvian Minister, Mr. Elmore, in the matter of making an effort to remove the hindrances to free emigration from Canton.

In my despatch, number 55, I had the honor to place before you in detail the several steps taken by him up to the moment of writing.

And

And I then felt bound to say to you that "in my opinion, the "personal qualifications of the "Peruvian Minister are not such as "to give promise of a victory for his "Government in this diplomatic "contest." Subsequent events have tended to confirm me most strongly in that opinion.

At about the date of that despatch, Mr. Elmore addressed Messrs. Olyphant and Company, through their representative at Shanghai, reciting the course of his negotiations here, and then said: "I have done with "conciliation, and now intend to "fight vigorously." In the face of this promise of a vigorous "campaign

campaign on his part, the fact remains that from that day to this, absolutely nothing has passed between him and the Chinese Authorities here. So complete has been his inactivity that, a few days since when at the Yamen on other business, the Ministers declared their ignorance as to whether he was still in the city or not, and appealed to me for information.

Both from the fact that he had formally asked the assistance of this Legation, and because the main sufferers from his delay were my own countrymen, I have felt entirely free to speak with Mr. Elmore in a frank way about his

his business, and have from time to time urged him as strongly as I could to press his negotiations with the Chinese, and not to allow them to gain the impression that the business could be quietly dropped. With them, the least dilatoriness in pressing a point is certain to be at once regarded as indicative of either weakness or lack of interest in the issue. Knowing their peculiarity in this respect, I have been more anxious as to the results of Mr. Elmore's careless treatment of his business, than I dared confess to him.

Being unsuccessful in my efforts to induce him to some effort in behalf alike of his own Government and

and Messrs. Olyphant & Company, I determined, four days prior to the receipt of the papers which formed the subject of my despatch number 97, to have a frank conversation with him about the business, and to discover, if possible, what were the reasons for his delay, and what he proposed to do. Substantially all the information obtained from him was that he had decided to await the return of the "Peruvia" from Callao, that he hoped that she would bring back good reports of the kind treatment of the Chinese in Peru — manufactured in Lima — (I quote his language) and a large number of returning emigrants, and that the Chinese officials, on

learning

learning this, would withdraw all objections, and allow their people to emigrate. He further said that he did not expect any considerable emigration to set in at once, but that Alyphant & Company should continue their steamers, and that eventually Chinese would be allowed to go in them to Callao.

To this I answered that Chinese officials, being themselves expert at the manufacture of good reports, would be correspondingly slow to accept them, and that he should bear in mind that the losses of Messrs. Alyphant & Company on each trip of the steamer were very heavy, and that this delay might involve the ruin

of

of the firm. I further said to him, plainly, that the Ministers of the Foreign Office were sure to misinterpret his delay, and that the two months of inactivity had, in my opinion, reduced nearly or quite to the Zero point all chance of the success of his negotiations with them. I urged him to do something at once.

To which he replied that he had done a great deal for Messrs. Oliphant and Company, that he supposed the firm to be immensely wealthy, and that they ought to be glad to run their steamers at a heavy loss for two or three years even, if afterwards they made a large profit. Further conversation resulted

resulted in nothing more encouraging and I was forced to conclude that he had no purpose of any definite sort in his mind, and that no help for our countrymen could be looked for from him. Four days later the news of the failure of the firm came.

This intelligence seemed to produce no effect upon Mr. Elmore, beyond a certain anxiety as to its result upon his own personal interests with his Government. He has, up to the present moment, expressed no feeling of regret or sorrow for them to me.

Various rumors are afloat in China as to the reasons for Mr. Elmore's inactivity. There are those who

who believe that from the period of his return to China, he has not intended to do anything for their relief, but to allow them quietly, either to cancel their contract, or break under it, and then give the business to some English firm. I do not, however, entertain any such view.

From intimate association with him, and a somewhat close study of his character and habits, I am convinced that this suspicion does him injustice, and that the explanation for his most peculiar conduct, is to be found alone in his utter disqualification for his post, and his incapacity to take up and deal vigorously with any grave

question.

question. He is the busiest man in Peking, yet he does nothing. It may not be quite modest to say it, but more work is done in this Legation in every week, than has been done in his in the entire five months since his arrival here. He rises early and sits up late, entertains but little and goes out less, yet the cares of his household and of his person occupy all his time. Personally agreeable and cultivated in manner, he seems utterly incapable of prolonged conversation upon any serious topic, and much less of any labor which requires care, deep thought, and protracted effort. It is most

unfortunate

unfortunate that the interests of any of our people have been, either directly or indirectly committed to his keeping.

In order to guard against a possible influence in your mind, that Mr. Elmore and I may not be upon good terms personally, I ought perhaps to say that we have been and are upon the most friendly footing. He is the guest of this Legation, and nothing has transpired between us to mar our personal pleasant relations. I regret exceedingly to be obliged to write in this tone concerning his course in the conduct of his business. If that business had not closely and I fear

fear, fatally, concerned an
American firm, in whose prosperity
I feel a deep interest, I should
have spared myself the unpleasant
duty of writing this despatch.

If, in it, I have passed
beyond the bounds of proper
diplomatic language, let that
interest, pray, serve as my
excuse.

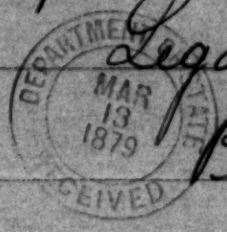
I have the honor to be,
Sir,
Your obedient servant.
Chester Holcombe

File

See instruction of 13 Sept 79 to Mr Seward Ack - C. P.

Mr Adee

No. 99. One Enclosure.



Legation of the United States.

Peking, December 28th, 1878.

Chester Holcombe to the Secretary of State.

Subject.

Shanghai riot claims.

Synopsis.

Mr. Holcombe transmits further evidence as to the claims of William Smith, John Gorman, and A. A. Fisher.

No. 99. One Enclosure.

Legation of the United States.

Peking, December 28th, 1878.

Honorable William M. Evarts.

Secretary of State.

Sir:

Since closing my despatch, number 93., in the Shanghai riot claims, I have discovered certain papers which furnish additional evidence as to the losses of Messrs. William Smith and John Gorman, and to the personal injuries of Mr. A. A. Fisher.

In order to complete the files of the Department in this business, I have the honor to hand to you copies of these papers. No. 99.

I

I have the honour to be,

Sir,

Your obedient servant.

Chester Holcombe

4

Enclosure.

1. Shanghai riot claims. Further evidence as to the losses of William Smith and John Gorman, and the personal injuries of A. A. Fisher.

Despatch No. 99.
Enclosure.

Copy.

Shanghai, June 26th, 1874.

George F. Seward, Esquire,
U. S. Consul General,

Sir:-

I have the honor to inform you that in the riot in the French Concession on the 3rd of May last, I lost a double barrelled fowling piece of the value of "Taels Fifteen" it was at the time in the house of a French Gunsmith for repairs, upon his claiming at the French Consulate General for its value he was informed that should be made through you,

I am an American citizen,

I desire therefore to bring the matter in this case before you.

I am, your most
obedient servant,
(signed) William Smith.

Memo
on fowling piece.
Value, Taels 15.00

Copie.

Shanghai, 20 Juin, 1874.

Je soussigné certifie que dans les troubles chinois du 3 Mai, 1874, dans le pillage de ma maison, il m'a été aussi volé un fusil de chasse à deux coups à piston appartenant à Monsieur William Smith, qui était chez moi en réparation, et que j'ai estimé à sa propre valeur Tls. 15.00 comme on peut voir sur ma liste de reclamations

signé Edouard Bartlett.

Translation.

Shanghai, 20 June, 1874.

I, the undersigned hereby certify that during the Chinese riot, on the 3rd May, 1874, in the pillaging of my house was stolen a double-barrelled gun (muzzle loader) the property of Mr. William Smith, which gun was in my house for repairs and which I have estimated at its real value Tls. 15.00, as is shown on my list of claims.

signed Edouard Bartlett

Copy.

List of articles lost and destroyed at late riot in the French Concession No. 81, 83, Rue Hué, May 3rd 1874

		$	¢
1	Hair mattress	38	–
1	Bamboo do	5	–
2	Bedsteads	36	–
6	Cane bottom chairs	18	–
4	Bamboo do do	10	–
1	Glass mirror	30	–
1	Chest of Drawers	30	–
1	Sofa	20	–
4	Woollen Blankets	14	–
1	Bed Curtain	16	–
2	Feather pillows	12	–
1	Long hair-pillow	3	–
2	Mosquito curtains	12	–
4	Table cloths	12	–
6	Bed sheets	12	–
6	Pillow cases	6	–
12	Towels	6	–
4	White spreads for Bed	16	–
2	Cuspidores	6	–
2	do large	26	–
1	Overcoat	30	–
	Carried forward	$ 358	–

	brought forward.	358
2	Suits of winter clothing	36
6	Do summer clothing	36
12	White shirts	36
12	Flannel drawers	24
12	Do undershirts	24
1	China pony	100
2	Saddles	39
1	Horse blanket	5
2	Do cloths (saddle)	5
2	Bridles	6
1	Head stall	3
1	Lot of food	4
2	Horse brushes	3
1	Breech loading gun	150
1	Wash stand	6
1	Do Basin	2
1	Do Jug	2
1	Soap Dish	1
24	pieces of crockery	24
	Masonic Regalia	40
	Do Jewels	30
2	Kerosine lamps	15
2	tins of Kerosine oil	4
1	round table	5
	carried forward	929

	brought forward	979.	—
2	Door Rugs	5	—
12	Paire of socks	9	—
1	Cook stove & fixtures	15	—
1	small stove	6	—
2	large water jars	2	—
1	water filter	6	—
	Sum total	$1022.	00

U.S. Consulate General.
Shanghai, May 15th 1874.

On this day personally appeared John Gorman, who being duly sworn deposed.

I am an American citizen. I had two houses rented in the French Concession, Shanghai, and in my occupation as places of residence the two houses being made into one. I had stabling connected with my house. In such stabling I had a horse, saddles, bridles &c, &c, as shown in the foregoing list. All the articles named in the foregoing list were my personal property, and were all destroyed by the rioters (and

and by fire, on the evening of Sunday, the third of May. 1874. The values set opposite to each article are the actual cost prices of the said articles. I desire to have the matter placed in the way of obtaining payment for the said property as indemnity,

(signed) John Gorman.

Sworn to before me
at Shanghai, May 15th,
1874, by John Gorman.
(signed) O. P. Bradford,
Clk. of Consulate.

Copy.

Je soussigné, docteur en médecine de la Faculté de Paris, ex-médecin de 1re classe de la Marine, certifie;

Le Dimanche, 3 Mai, à 7 heures du soir, j'ai été appelé chez Mr. Fisher, pour lui donner mes soins.

En passant sur la Concession française au moment de l'émeute, Mr. Fisher avait été assailli à coups de pierres par les Chinois.

Trois projectiles l'ont atteint. J'ai constaté les blessures suivantes —

1° Plaie contuse légère de la muqueuse buccale au niveau des molaires du côté droit.

2° Coup violent sur la bouche, Les deux incisives droites de la mâchoire supérieure ont été brisées. Les deux lèvres sont tuméfiées, saignantes et douloureuses. La muqueuse de la lèvre inférieure est fendue de haut en bas à sa partie médiane. La division intéresse toute l'épaisseur de la

(muqueuse

muqueuse et les tissus sous jacents.

Cette blessure présente peu de gravité mais la perte de deux dents, surtout sur le devant de la bouche, entraine pour le blessé, un inconvé=nient serieux et irréparable.

3e Plaie contuse à la tempe droite à un pouce environ au dessus du niveau des sourcils, Tuméfaction douloureuse de cette région.

Si le projectile lancé avec violence avait porté un peu plus en arrière il eut déterminé une blessure des plus grav
Ce coup principalement a fait courir à Mr. Fisher un danger véritable.

En foi de quoi j'ai delivré à Mr. Fisher le présent certificat pour lui servir ce que de droit.

Shanghai, 5 Mai, 1874.

signé Dr. L. Pichon.

Translation

The undersigned, Dr. in medicine of the Faculty of Paris, Ex-physician of the 1st grade, in the French Navy, hereby certifies;

That on Sunday, 3 May, at 7 P.M. I was called to attend upon Mr. Fisher,

In passing through the French Concession at the moment of the riot, Mr. Fisher was assailed by stones thrown at him by the Chinese mob. He was hit by three of these missiles; and I have verified the following wounds.

1° Slight bruise on the mucous lining of the mouth at a level with the + grinders on the right side,

2° Violent stroke on the mouth. The two incisors on the right side of the upper jaw broken. The two lips bleeding, tumefied and in pain. The mucous lining of the lower lip split from top to bottom at the + median line, the separation affects

(the

the whole thickness of the mucous lining and tissues.

This wound is of no great consequence, but the loss of the two front teeth causes a serious and irreparable inconvenience to the wounded man.

3° Bruise on the right temple, — about an inch above the level of the eyebrows, painful tumefaction of this region. If the missile thrown with violence had hit a little more to the rear it would have caused a really serious wound. Mr. Fisher has run the risk of a great danger principally by this stroke.

In testimony whereof I have delivered this certificate to Mr. Fisher, to serve him in evidence as occasion may require.

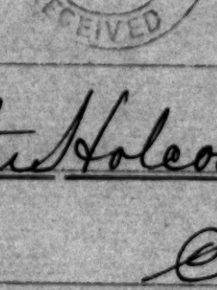
Shanghai, 5 May, 1874.

(signed) Dr. L. Pichon.

Mr Adee
Col. Morgan

No. 100. One Enclosure.

Legation of the United States.



Peking, December 28th, 1878.

Chester Holcombe to
the Secretary of State.

Subject.

Cost of telegram.

Synopsis.

Mr. Holcombe sends herewith a statement of the cost of a telegram of 28 words sent to the Department, via Kiachta upon the 26th instant, and asks permission to draw for the sum upon the Secretary of State.

No. 100. One Enclosure.

Legation of the United States.

Peking, December 28th, 1878.

Honorable William M. Evarts,

Secretary of State.

Sir:—

Referring to my telegram to you of the 26th instant, I have the honor to hand to you a statement of its cost, with the usual voucher. 1/100.

I respectfully request to be allowed to draw upon you, in the ordinary course, for this amount.

I have the honor to be,

Sir, Your obedient servant.

Chester Holcombe

Enclosure.

Enclosure.

1. Statement of cost of a telegram sent to the Secretary of State, December 26th, 1878.

Ack. L. P.

Trade

No. 101. One Enclosure.

Legation of the United States.
Peking, December 30th, 1878.

Chester Holcombe to
the Secretary of State.

Subject.

Russell & Company versus Shen Louchan.

Synopsis.

Mr. Holcombe refers to his despatch number 95. and forwards a reply just received from Prince Kung. Instructions of a somewhat more definite nature have been issued to the Chinese local authorities, and the prospect is more favorable.

No. 101. One Enclosure.

Legation of the United States.

Peking, December 30th, 1878.

Honorable William M. Evarts.

Secretary of State.

Sir:—

Recurring to my despatch, number 95., in the case of Messrs. Russell & Company, versus Shen Louchan, at Hankow, and, more particularly to enclosure number 2, which consisted of a note addressed to Prince Kung in the business, I now have the honor to submit to you a # 1/101. translation of his reply.

Although it is not as # definite and positive as could be

be desired, still it promises
better results than his earlier
response, since the Prince informs
me that he has instructed the
Intendant to take action in the
case, and has directed the Viceroy
to decide upon a satisfactory form
of trial, giving due consideration
to all the circumstances.

I shall watch closely the
course of this business, and not
allow it to rest until such a
hearing is granted as we are
entitled to expect under the
treaty, and a decision in
accordance with justice is
reached.

I have the honor to be,

Sir,

Your

Your obedient servant,
Chester Holcombe

Enclosure.

1. Prince Kung to Mr. Holcombe.
86/1878. December 30th, 1878.

Despatch No. 101.
Enclosure.

86/1878.

Prince Kung, Chief Secretary of State for Foreign Affairs, herewith makes a communication in reply.

I have had the honor to receive your despatch of the 23rd inst. instant in the suit of Messrs Russell & Co of Hankow, versus Shen-Tou-Shan who became responsible for the obligations of Liu-Hsing-fa in a timber transaction, in which you say that have received my earlier despatch stating that I would instruct the Hu-Kwang Viceroy to order the Intendant at Hankow to take this case into immediate consideration, and to decide upon a line of conduct in it without delay. Upon this you remark that you regret exceedingly that I could not see my way clear to instruct the Hankow Intendant more explicitly in the premises, and that you must again request me to direct him to proceed at once to a trial of the case at which

(trial

trial he shall invite the presence of Mr. Consul Shepard for the purposes indicated in this and former despatches.

In this case I have the honor to remark that immediately upon the receipt of your earlier despatch requesting me to instruct the Taotai to proceed at once to a hearing of the case, and to inform him explicitly as to the nature of the hearing to be had, in order to avoid further misunderstanding between him and the Consul, I requested the Hukwang Viceroy to instruct the Intendant at Hankow to consider and decide upon a line of action, and so replied to you.

Being now in receipt of your later despatch under reply, I shall forward a copy of it to the Hukwang Viceroy, and request him to instruct the Intendant to take action in the premises. In regard to the form of trial to be observed, it will be the duty of the Viceroy to consider the circumstances of the case, and in

(view

view of all the facts, to decide upon a satisfactory form of trial in the case. Upon receipt of his reply, I shall again address you.

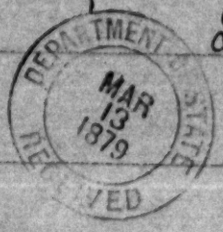
Chester Holcombe, Esquire,
etc. etc. etc etc.

Peking, December 30th, 1878.

Ask. C.P.

Wade

No. 102. One Enclosure.



Legation of the United States.

Peking, December 31st, 1878.

Chester Holcombe to

the Secretary of State.

Subject.

Woo Shih shan riot - Foochow.

Synopsis.

Mr. Holcombe refers to his despatch number 61. upon the same topic, and forwards some newspaper extracts. A basis of settlement has been reached, but nothing practical has been done.

No. 102. One Enclosure.

Legation of the United States.

Peking, December 31st, 1878.

Honorable William M. Evarts.

Secretary of State.

Sir:—

Recurring to my despatch, number 61, giving some details of a riot in the city of Foochow, which resulted in the destruction of certain buildings occupied by the agents of the English Church Missionary Society, I now have the honor to enclose for your perusal a few extracts from the Shanghai newspapers, which bear upon the subject. 1/102

The

The Rev. Bidwell, who seems to have taken up the case upon the side of the Chinese, is an Englishman, whose business, I believe, is that of selling arms to the native authorities. Rev. Wolfe, who responds, is the missionary in charge of the premises. His statements are, I believe, entitled to entire credence.

I am informed at the British Legation that the Foreign Office has agreed to the settlement of the case as indicated in the five points given in the extract from the North China Daily News of November 9th, but that no active steps in the direction of such a settlement have, as yet,

been

been taken.

I have the honor to be,
Sir,
Your obedient servant.
Chester Holcombe

Enclosure.

1. "Woo Shih shan wei." Extracts from newspapers.

The
North-China Daily News.

SHANGHAI, OCTOBER 24, 1878.

THE Wu-shih-shan affair at Foochow is apparently entering on a new phase, and the Viceroy has enlisted on his side the services of Mr. Bidwell, who happened by accident to be present at Foochow. Of the appointment of Mr. Bidwell, or the acceptance of the appointment by the latter, we have little to say. It is probably in the interests of both parties that some impartial intermediary should be availed of, and Mr. Bidwell's position seemed certainly to have a tendency to render his views impartial. It is therefore with the greater regret that we notice that Mr. Bidwell, while acting in the capacity of intermediary, has seen fit to throw aside the reserve becoming to that character, and in a letter published in the *Foochow Herald* of the 10th instant has appeared on the scene as the advocate of the Chinese, not only in this matter of the Wu-shih-shan, but in the question of Missionaries in general; a thing quite beyond the purpose and long ago established by direct treaty stipulations. The matter in dispute in the Wu-shih-shan affair is not whether English or Roman Missionaries, according to the stereotyped expression, "do most good," *i.e.*, make most converts in China, but whether the Rev. J. R. Wolfe had a valid title to the land in question; and whether the measures adopted by the Mandarins and the mob, for both are unfortunately so mixed together that it is difficult to distinguish one from the other, were sanctioned by the laws of China or the stipulations of the Treaty of Tientsin. That instrument, which defines the international relations between Great Britain and China, says distinctly:—

"The Christian religion, as professed by Protestants or Roman Catholics, inculcates the practice of virtue, and teaches man to do as he would be done by. Persons teaching it or professing it, therefore, shall alike be entitled to the protection of the Chinese authorities; nor shall any such peaceably pursuing their calling, and not offending against the law, be persecuted or interfered with.—British subjects shall enjoy the same privileges, &c., including the right of residence, of buying or renting houses, of leasing land therein, and of building Churches, Hospitals and Cemeteries.—If a Chinese have reason to complain of a British subject, the Consul shall, no less, listen to his complaint, and endeavour to settle it in a friendly manner. If disputes take place of such a nature that the Consul cannot arrange them amicably, then he shall request the assistance of the Chinese authorities, that they may together examine into the merits of the case, and decide it equitably.—The Chinese authorities shall at all times afford the fullest protection to the persons and properties of British subjects, whenever these shall have been subjected to insult or violence. In all cases of incendiarism or robbery, the local authorities shall at once take the necessary steps for the recovery of the stolen property, the suppression of disorder, and the arrest of the guilty parties, whom they will punish according to law."

The complaint of the Rev. J. R. Wolfe in the matter of the Wu-shih-shan disturbance, is that all of these treaty stipulations have been contravened by the Chinese authorities. First, that violence has been offered on the plea that he, as a Missionary, preached the doctrines of the Protestant faith. Secondly, that having legally rented land within the limits of the city of Foochow, attempts have been continually made to induce the Mission to remove to the foreign settlement at Nan-tai. Thirdly, that instead of bringing their complaints before the Consul, who was bound to hear them, and if well founded to give the case in their favour, threats of violence were made use of; and lastly, that the protection bound to be afforded to British subjects in cases of disturbance was not so afforded, but on the contrary the mob were permitted to burn and destroy some at least of the buildings erected on the land in question.

These are facts which no amount of evasive evidence or special pleading can upset. The ruined buildings, destroyed without the sanction of the court provided to try such cases, remain as unimpeachable evidence. We are not now going to enter into the question of the validity of the title of the Missionaries to the premises rented by them. If their title was not clear, the way was open in the regular courts to upset it. The Consul would have afforded every assistance, as he was bound to do, to prevent encroachments, and without a word of ill feeling the whole question could have been decided. It is palpably too late for the Chinese authorities to plead the alleged defect in the title as an excuse for their misconduct. The whole proceedings of the 30th August were in contravention of the express terms of the Treaty of Tientsin; and until the Chinese Government proceeds to place matters in *statu quo ante*, they have legally no right to raise the question of validity of title. It was to provide against instances such as that of the Wu-shih-shan, where by a small but violent faction, attempts are made to override law and order, that the stipulations regarding the protection of life and property were inserted in the Treaty. There is no reason to believe that the majority of the peaceably disposed inhabitants of Foochow feel any grievance at the foreign buildings erected on the Wu-shih-shan, a ground which has now for some thirty years been in the occupation of foreign owners.

AUSTRIA.

Vienna, 16th October, 1878.

Austrian Garrison in Bosnia and ɡovina is to be reduced to 100,000.

ACHEEN.

The Hague, 16th October, 1878.

Commander-in-Chief of the Dutch in Acheen telegraphs that the Ruch-?) has submitted, and asked and been l pardon in the presence of the Au-es.

SIR THOMAS WADE.

London, 19th October, 1878.

departure of Sir Thomas Wade for is postponed indefinitely.

THE GLASGOW BANK.

London, 22nd October, 1878.

result of the enquiry into the stop-f the Glasgow Bank is, that no loss is ıplated, as the Shareholders are liable. ıatic deception has been proved, and rectors, Manager, and Secretary have rrested.

THE GERMAN SOCIALISTS.

Berlin, 21st October, 1878.

German Parliament has adopted the st Bill.

ENGLAND AND AFGHANISTAN.

Bombay, 22nd October, 1878.

reply of the Ameer of Afghanistan is d in unfriendly terms, and con-tly the present aspect of affairs is ıged.

ɛ Celestial Empire.

THURSDAY, 24TH OCTOBER, 1878.

ıteram partem is a wise and just maxim, spirit is too often forgotten. What ɔe thought of a jury which should at-to convict a prisoner without hearing ?ence? Yet people do not hesitate to strong and definitive opinions about after hearing the one side only. Often, they studiously refrain from listening opponent, and the strength of their is equal to the extent of their pre-We have heard of a Magistrate who his inattention to the evidence by that he always made up his mind at glance as to whether a prisoner were and who rather regretted being com-to undergo the tiresome process of witnesses. It may be thought that ın imaginative case; yet how many of lic form their conclusions much after hion of this magisterial disciple of a. After hearing an account of a natter, corresponding somewhat to the of the charge in a criminal case, they ıpetent to pronounce a decision. We have been led into these remarks by the perusal of a pamphlet by "FAIRPLAY," entitled "The Wu-shih-shan affair impartially considered, with the original agreements and Counsel's opinion thereon." Some of the readers of the pamphlet may possibly not regard it as "impartial;" and, indeed, it is rather a defence of the Chinese legal position in the matter. As the published accounts of the riot came through a source manifestly prejudiced, it is well to have the Chinese view. It is an encouraging sign that people are more ready to give a hearing to Chinese opinions, and that newspapers and writers are beginning to come forward and defend the Chinese when they consider right is on their side. We do not affirm that, in the present instance, the Chinese are right and the Missionaries wrong; we only note the satisfactory change which secures a more just expression of opinion on matters where foreigners and Chinese have come into hostile collision.

The case which has hitherto been presented for the Missionaries is, briefly, that they had been guilty of no encroachment, that under their agreement they were fully entitled to do what they did; and that the destruction of their premises was entirely unjust and unprovoked, for which no extenuating circumstances could be urged. The Chinese view of the matter, as put forward by "FAIRPLAY," is that the Missionaries acted in opposition to the terms of their lease; that they pulled down houses without permission, and built others of foreign style in their stead, one of which, it was alleged, encroached on public ground not included in the lease. The people, attributing certain calamities to the undue prominence of these foreign houses, were willing to adequately compensate the Missionaries if they would remove elsewhere. The Governor of Fuhkien offered the Telegraph property at Nangtai in the foreign Settlement at Foochow in exchange for the Mission houses, and the English Consul expressed the opinion that this offer was a "liberal one." Whilst expecting that this exchange would be agreed to, another house was built on ground which the Chinese say was never leased. An inspection of the locality was asked for by the Chinese, who, it is said, were abused and forcibly turned out of their own premises. It was this treatment, coupled with the belief that there was an encroachment, that led to the destruction of the buildings. The friends of the Chinese will regret this extreme measure; but it is very necessary, in judging of the conduct of the rioters, to look to the rights of the parties, and these, in the opinion of the Consul, must be governed by the lease. The opinions of Mr. HAYLLAR, Q.C., and of Mr. NG CHOY, also an English barrister, have been taken upon the agreement and some of the surrounding circumstances. Mr. HAYLLAR points out the perplexing nature of the case in its legal aspect, and asks whether the agreement is to be construed under Chinese or English law. "The one thing about the agreement which is free from doubt," he however says, "is that it never contemplated the pulling down of the houses which proved the subject of the lease, and of putting up other and different kinds of buildings in their stead, or that the small vacant piece of ground mentioned in the contract should be built upon." He adds, "the abstract justice of the matter in my opinion by no means lies with Mr. WOLFE, who has, I cannot help thinking, been inclined to push the advantages his position as a foreigner gave him to lengths which finally broke down the patience of the Chinese." Mr. NG CHOY's opinion is also to the effect that Mr. WOLFE had no authority under the agreement to pull down the native houses and build a different kind of house; nor had he any right to build on the vacant ground.

Such are the statements and views put forward on behalf of the Chinese, and it must be admitted that the opinion of Mr. HAYLLAR is important and will carry considerable weight amongst foreigners. Without expressing any opinion as to the legal rights of the parties,—which, it is said, are likely to be determined in H.B.M.'s Consular Court—and whilst censuring the conduct of the Chinese in destroying the premises, we cannot but think that there had been on the part of the Missionaries a sad want of tact and consideration for the feelings of the natives. The superstitions of the Chinese are, no doubt, very foolish, but they nevertheless exercise a powerful influence upon them. It is essential to successful missionary work that the people should be open to argument and the reception of Christian truth, but such a state cannot be brought about if their feelings and views are entirely ignored. That the conduct of the missionaries was viewed with considerable dislike by the people there can be no question, but notwithstanding the suggestions from influential and friendly quarters, the wishes of the Chinese were entirely disregarded. It is possible that Mission work might have suffered in some ways by having the premises elsewhere, but the good feeling which would thereby have been engendered would, we think, far more than have counterbalanced such loss. The unfortunate disturbance at Wu-shih-shan has done serious harm to the Missionary cause, the effects of which may be felt for a long time.

Articles from the Shanghai Courier.

THE POLITICAL TERM QUESTION.

Our contemporaries in Hongkong, the *China Mail* and the *China Review*, seem to have been much vexed of late as to the proper Chinese equivalent for the word "foreigner," and hard knocks have been flying around in true Donnybrook style wherever a bald head has peeped out. One writer is violent in his denunciations of the application to foreigners of the term *fan*, "barbarian"; another objects to the use of "outside nations"; and a third calls Sir Thomas Wade to witness that "outside nations" is a fit and worthy appellation for all who reside beyond the limits of the Flowery Kingdom. Sir Thomas Wade is indeed the last sinologue whose authority on such a point we should have expected to see invoked by other than a special pleader; and that this term occurs in the Chefoo Agreement appears to us as an argument of minimum importance. The same writer speaks of that now celebrated document as the "Chefoo Treaty," which at any rate does not augur well for his own accuracy in similar matters of detail. He further would have us believe that the use of the term "Central America" is analogous to the "Middle Kingdom" of the Chinese; thus miserably failing to see that the chief objection to the employment of such phraseology by a semi-barbarous nation, is not founded upon the physical, but the supposed intellectual superiority of the positions involved. When the Chinese talk of the "Middle Kingdom" and the "outside nations," the idea ever present to the mind of the speaker is that the former term carries with it a superiority of culture and civilization, beyond the pale of which, separated by an immense gulf, lie scattered those foreign tribes which, if everybody had their rights, should even now be ranked among the Tributary States of the sole source of wisdom and power—the Son of Heaven. China will some day, perhaps, see fit to change the absurd name which in future times of enlightenment and progress would otherwise be an everlasting link to her former centuries of exclusion and pride. The "Flowery" nation would not be at all an undignified name, carrying as it does with it an idea of devotion to literature and the fine arts, religious liberty, and a social and political organisation of a highly-civilised order. Or a name might be chosen from one of the by-gone dynasties, and the glories of the Hans or the T'angs be renewed in the persons of those whom the world at large will never cease to regard as the too-degenerate Ts'ings. What, under such altered circumstances, will be the appellative resources of China with regard to foreign nations and foreigners generally, it is somewhat premature to surmise. It seems to be clearly established that there is no word at present to be found in the Chinese language which can be satisfactorily employed without giving offence to one or other party. When these nations are spoken of singly, the difficulty may be easily avoided by the use of *Ying* for England, *Fah* for France, *Mei* for America, *Têh* for Germany, and so on; and when reference is made to Europe alone, the common term, "western nations," does duty fairly well. It is only when some abstract equivalent for foreign or foreigner is required, such as would include England, Japan, and America alike, that the deficiency is felt; and then the Mandarins have to fall back on *yang yin*, "men from across the sea," which, though not perfect, is as good as, if not better than, any other term in use, or "outside nations" which we have already discussed; while the people at large are driven in colloquial to the old familiar *fan*, with or without the euphonious addition of *kwai* (devil). Here we must leave the subject: it is an interesting one, and worthy of being discussed temperately and without recriminations.

PROSPECTS OF THE COMING RACES.

Training for the Autumn Meeting of the Shanghai Race Club has now reached a point at which it is possible to form a judgment as to the merits of the ponies and their condition. The Lotteries also give some insight into the intentions so far of owners. Although training is carried on chiefly in one place—the Race Course, and in view of all the members of the Club, and, in fact, of all the world, it is possible to keep the merits, condition and pace of the animals fairly dark, and much mystery is practised by some trainers. Although racing is carried on here as an amusement, few people can resist the temptation of getting a few thousand dollars on their stable pets in the Lotteries, and it is then that it becomes difficult to keep stable secrets. Besides, race ponies must be galloped freely in the last fortnight if they are meant to win races. We are, of course, far from casting a shadow of discredit upon the attempts, successful or otherwise, to keep ponies dark; on the contrary, if everything were known about them too soon, the interest in the Races themselves would be reduced to nothing. It is the unexpected successes and the unanticipated reverses which give the sport zest to both the spectators and those who cater for their own and the public amusement, and which allow the lucky owners to plume themselves on their judgment in buying and their skill in training, with the comfortable feeling of an improved balance at their bankers; whilst the jockeys can prove to demonstratio able they are of winning races ro soup-plates during the four months tervene 'ere another batch of griffin opportunity of vindicating their s reversing the ill-luck which is the reason why any horse but the firs win the race.

The season has so far been not able for training. The summer longer and more severe than often and took a good deal out of ponies strong work was to be given; but been just enough rain to keep the Co getting hard, without, as yet, enough fere with galloping; the Course has, seldom been in condition to perm time.

The strongest stable is Mr. St. which contains a number of celebr ners: Infatuation, Toleration, St Earl Brian, besides Earl Harold, never won a race, but has on every but one run second; in the Derby t he could have won easily, but was to make room for his stable co Earl Brian, with whom his owner d win. This is a practice quite in ac with the laws of racing, and such dec are frequently made in China, altho spectacle of the best horse in the ra pulled up is uncommon, because th rarely has two good enough to win, when that has been the case, the maxim William IV has been acted on, "S whole fleet and let the best win." It wa England the other day by the Duke of H and caused some indignation among ignorant of the laws of racing. Earl has an advantage in the weight fo Leger, 10 st. 7-lbs., over horses than himself; and having proved Griffins' one of the fastest animals t ran on the Shanghai turf, he may b upon as almost a certainty for the St it is true his condition leaves somethi desired, but he gallops well and stron stable have apparently only to bring of the animals mentioned above to of the races for which they are entere Brian does not, however, go in goo but Toleration appears to have recove his lameness. The stable have a gr has galloped well with Strathavon, b just now a little off; he may, howeve day justify his name—Sensation, by wi Maidens'. Mr. Paul has an equally str consisting of Black Satin, White Ve mont, and Peveril; these are all a high quality and fame. The first likely to be there or thereabouts in

ence, which was to the effect that the accused be imprisoned for eighteen months with hard labour.—*Daily Press.*

Extracts.

DISASTROUS GALE IN HONGKONG.

(Daily Press.)

On Tuesday morning (8th) the heaviest gale which has been experienced in Hongkong since the typhoon of May, 1875, broke over the island. It was thought that a typhoon was approaching, but the wind died away again in the course of the afternoon. Considerable damage has been worked amongst the cargo boats and sampans, and several lives were lost. The Praya in many places has been much cut up, and here and there where the foundations appear to have been undermined the wall has sunk a foot or so. No damage of any consequence has been done on shore, and that done afloat appears to have been caused more by the heavy sea which rolled into the harbour than the force of the gale. At seven o'clock a fresh westerly wind was blowing which gradually increased, and at nine o'clock veered round to the east, blowing a strong gale—barometer 29.736. At about a quarter to ten o'clock the drum at the Harbour Master's Office was hoisted and a typhoon gun fired from the Police Chop. The tide was then a foot over the Praya wall near the Harbour Master's Office. The men-of-war struck their top-gallant masts and sent down all yards, and the merchant steamers got up steam and some of them went to the other side of the harbour, and out through the Lamma Channel, for protection. A large number of sampans, Hakka boats, and cargo boats sunk. A steam launch belonging to the Hongkong and Whampoa Dock Company sunk close to the stem of the tug *Fame*. No lives were lost. The members of the Hongkong Humane Society turned out under the orders of the acting superintendent. Amongst them were Hon. P. Ryrie, President of the Society, and Captain McMurdo. Most of the work done by these gentlemen was from the City Hall to the Canton Wharf. At Peddar's Wharf the mat-shed was blown down upon the wharf and was cut away in case any work was required to have been done from there. Between Peddar's Wharf and Douglas's Wharf three cargo boats were smashed up, and the people when told to come ashore said "No, must catchee alla thing first." After a short time they were forced to come on shore by a member of the Humane Society threatening to throw a heavy lead at them. At Lapraik's Wharf the steamer *Yesso* got up steam and went away to a safer berth. A large number of sampans were being tossed about at the mercy of the sea. Lines were thrown to them and they were hauled close to the wharf, where the occupants and, in some instances, the sampans were brought on shore. Between thirty and forty people were rescued at this wharf. Lane, Crawford & Co.'s and the *Daily Press* steam launches sunk close to the wharf. The steamer *Washi* paid out her cable and was nearly on top of the steamer *Namoa*, who dragged her moorings and was drifting on top of a lighter belonging to Messrs. MacEwen, Frickel & Co., and appeared at one time as though she would come on shore, but through the good handling of the vessel by Captain Westoby she was brought to her moorings off the P. and O. offices. Messrs. Vogel, Hagedorn and Co.'s wharf is partly destroyed, as are also several others. At the Canton steamer wharf were some more members of the Humane Society under the direction of Captain McMurdo. A large number of people were saved here. One old woman with a child on her back was thrown from her sampan into the sea. She got beneath the wharf, and had it not been for the assistance of Mr. Ryrie would have sunk. The No. 2 lighter of the Hongkong, Canton and Macao Steamboat Company sunk alongside the wharf. Fortunately there was no cargo on board except a little cassia, which was on deck and was got off in good time. Off the wharf was a cargo boat with which communication was established by means of a line, but the occupants refused to come on shore, and had eventually to be forced by using strong measures with them. A little further on were several sampans on shore, two water-logged junks, and a very large junk sunk. Near the China Merchants' Company's office was a P. and O. lighter in distress, some distance off the Praya. Communication could not be made with her, and a large number of men from the Sailors' Home who were standing by ready to lend a helping hand cried "Shame," at there being no life boat anywhere about to go off and render assistance. These men deserve great praise for the ready manner in which they worked in saving life with the assistance of Police Constable Bond. The West Point Police, under Inspector Thomson, also turned out and rendered valuable assistance. From what we can ascertain, between 150 and 200 people in imminent danger were brought ashore at this part of the Praya. In the eastward bight of the P. and O. wharf were a large number of cargo-boats and sampans, all having suffered through collision, safely and snugly moored. A Chin-Chew junk was thrown against the stone pier close to the Sailors' Home. A junk was also washed on shore in which were a large number of passengers, who were saved by the sailors and police. The Chinese along the Praya West were busy putting up a sort of typhoon shutter over the ordinary wooden posts. The new launch of Mr. Kwok Acheong would have become a total wreck, but for Mr. Johnson and Mr. Holmes. As it was she was beached broadside on with the loss of her rudder post, rubbing strake, and some copper. Several junks were washed on shore a little further westward and many lives were saved. One man was picked up with his leg broken, and was immediately sent to Hospital. A P. and O. lighter was sunk off the company's wharf, and three men clung to the mast for over half an hour, but no assistance could be rendered as she was too far out, and there was no avaliable boat at hand. Nothing is known as to what became of the three men. Dr. Young's launch with three men on board drifted down the harbour, getting close to the Praya at West Point, where P. C. Bond and some sailors managed to throw a rope on board and succeeded in mooring her close to McDonald's slip. At three o'clock the Praya near the Sailors' Home was covered with small Hakka boats hauled up into the roads with their owners snugly housed inside. On the beach were numbers of junks, sampans, and Hakka boats, all a total wreck. People were picking up pieces of wood, clothing, cups, and teapots, and other articles, and many were the disputes as to ownership, some crying and some chin-chinning joss. At the end of French-street, close to the Praya, was another junk high and dry, from which 23 lives were saved with some difficulty; one European sailor seeing a man sink twice dived into the heavy sea and rescued him. The wharves westward, with the exception of Howard's wharf, are all carried away, and at the end of the latter wharf were three wrecked junks. The Praya wall from the sheer legs at the Patent Slip, Belcher's Bay, to westward is washed away and the ground sunk in, and at the foot of Mount Davis is a junk badly on shore. The water covered the Praya at the slip to the depth of eight or ten inches, but the principal damage done there was the partial destruction of a matshed beneath which the iron steamer *Zephyr* is being put together.

Eastward from Peddar's Wharf we come to the remains of the bath-house. The dressing-rooms and bridge leading to the bath are completely demolished, and the pontoon from which the soldiers bathe broke adrift and washed alongside of Murray Pier. Several sampans and their occupants were saved by the soldiers of the Royal Artillery, and were hauled up on the Artillery Parade Ground, North Barrack. No damage at all was done at the Naval Yard; here one sampan and a cargo boat were rescued and moored safely until the wind had abated. Several sampans were hauled up on shore at Meyer's Wharf, Wanchai. Messrs. Inglis and Co.'s steam launch, known as the *Snake*, was sunk, as well as the hull of another, both off their premises. Close to No. 2, Police Station are some sampans that were washed on shore, also a small pleasure boat. Part of a tree in in front of No. 2 station is blown down, and another close to the Wanchai bakery. A little beyond the station two sampans were broken to pieces, and another stove in. No loss of life had been reported up to last evening in this district. Some telegraph posts and wires between No. 2 and Whitfeild stations are blown down. Between Meyer's Wharf and the Barracks during the height of the gale was to be seen a cargo boat in distress with a man and a child on board. Messrs. Inglis & Co. had just sent off a launch to render assistance when the boat sunk with man and child.

The number of lives saved by the Humane Society, who worked with great energy throughout and deserve great praise, sailors from the Home, and the Police, is estimated at over 200. No idea can be formed of the number of lives lost. At the very height of the gale we noticed a small boat with four men in her come from the direction of Sam-sou-poui, and board drifting and ownerless junks, evidently "seeking." After passing some things into their own boat they would leave and proceed to repeat the performance. There was a lot of looting going on along the Praya, notwithstanding the lukongs and Sikh Constables who were on the spot. Neither of the Canton nor Macao steamers arrived yesterday.

It would be invidious to mention names, but many Europeans beside the members of the Humane Society were on the Praya and rendered great service in saving Chinese life and property.

THE WU-SHIH-SHAN AFFAIR.

Mr. H. S. Bidwell has addressed a long letter to the *Foochow Herald* upon the above matter, in the course of which he says:—

How is it that English Missionaries in China are able to demolish Chinese owned houses on Chinese ground with impunity, when so much fuss and trouble is made about the Chinese refusing to allow the same persons to build on land to which they have not the least title or right, and which ground is without doubt absolutely, wrongly, and illegally annexed by the mission? Looking at the case from a purely disinterested point of view, and wishing if possible to extend any benefits of a doubt in favor of my own countrymen, I cannot reconcile any of the claims put forward by yourself or the Rev. Mr. Wolfe to the land in dispute, and I have no hesitation

in stating that the Chinese will have no difficulty in proving that they are entirely in the right, and that this latest trouble into which the Rev. Mr. Wolfe has brought both his cause and himself personally will eventually be found disgraceful in the extreme. At present I can say no more on this point, as the matter will be referred fully and completely to the Rev. Mr. Wolfe's Mission in England, as well as officially to the English Government.

In Foochow it is a well known fact that out of ten cases which have lately occupied the attention of the Foreign Office here nine have been against the Rev. Mr. Wolfe by the *peasantry* and *poor people* from the surrounding districts as well as locally, and therefore your arguments that all these troubles emanate and result from the literati or the officials at once fall to the ground. I therefore do not now reply to your accusations against the officials, as I think you have been misinformed.

In common fairness towards the Chinese I beg of you not to state anything as facts of which you have only heard one side; to do so is lowering to the "power of the press," and brings discredit and mistrust on the undoubted influence which the press holds in all parts of the world. Your issue of the 3rd October contains many errors, the statements made in your leading article and "local" of this date are open to most severe criticism, and are entirely unfair and of a one-sided nature. I have taken up this cause because in this instance the Chinese are entirely in the right, and it appears to me that to allow such sweeping assertions as you are pleased to record in your columns to go uncontradicted may tend to mislead everyone—both officially and privately. The British Government will not do anything in haste or that is unfair, and you may rest assured that the Chinese will have their side of this dispute as well placed before Lord Salisbury, as any memorial, so sparingly signed by your community, can ever hope to be.

I do not for one moment suppport the Chinese in taking the law into their own hands and burning down the house; the instigators will be punished, but from what I know of the case I am not surprised at the mob doing what they have done, when year after year bits of public ground have been enclosed and even the frequent destruction of stone walls (once by order of H. M. Consul) erected by the Rev. Mr. Wolfe, fail in the object to convince this gentlemen that the public grounds at Wu-shih-shan do not belong to the mission, neither are they rented by it. Mobs in England sometimes burn and destroy property when they think they are aggrieved, and therefore there is nothing very extraordinary or out of the way in a Chinese mob doing the same thing; besides, it is an old Chinese custom for the people to act in this manner, when they can obtain no redress from the offenders or assistance and protection from their own officials.

Now, Mr. Editor, supposing years ago a number of Chinese priests went to London and built a Joss House in the middle of Hyde Park; supposing also that they were not stopped by the local authorities and that all the warnings of the populace did no good, but the priests still continued to complete the building; what do you think would have some day become the fate not only of the buildings but of the Chinese priests also, at the hands of a London mob?

Again, Sir, eclesiastical wars are not unknown in our own country, where our forefathers have butchered each other for an idea, and burnt down, without hesitation, some of the grandest buildings of the time?

I regret to find the memorial to Lord Salisbury so full of errors, misrepresentations, and ignorant prejudice; one would think we had lived long enough in China to learn better. It appears to me most courageous on the part of the people who exist only on the crust of China at the treaty ports, to sign their names to a document criticising the officials of China of whom they know nothing and with whom they may never have had even an interview or a moment's conversation. I wonder what Lord Salisbury will think of this memorial lacking the signatures of many of the most influential persons in the place, when he reads the Chinese explanation? "China again; send it to Peking" will be the deserved fate of such a document, and we know what that means. How is it your community can manage to make out, that the authorities had anything to do with the mob riots at Wuh-shih-shan, when in the same issue as you publish the memorial to Lord Salisbury, you also publish two placards that were extensively posted in the city and suburbs by the people? These placards threatened all kinds of murder and vengeance by the people to the officials, and the language used is really mutinous.

Before people talk or write on a subject it would be wise to ask themselves if they understood what they were talking or writing about; and I humbly recommend this plan to be adopted in future, before people, who have no means of judging, say anything about the official class in China (than whom a more quiet, gentlemanly, unassuming, courteous, honourable, and intelligent lot of men does not exist in any country in the world) they should know something about them. Their manners and customs may be different to ours, our mechanical education is certainly far ahead of theirs, but it is doubtful if we surpass a well-educated Chinese gentleman in any other way.

I think Europeans should show more consideration for the superstitions of this country than they do. In our own countries we have equally absurd superstitious ideas as "Fêng-shui," but how should we act towards any Chinaman who came to England and attempted to interfere with them? In England it appears to be an offence for a Chinaman to wear a *queu*, that is, if the severe handling of an unfortunate *attaché* of the Chinese Embassy, received at the hands of a London mob, is to be taken as an expression of opinion.

A Chinese mob is not to molest foreigners in China without apparently the act being made a matter for our diplomatists—new ports to be opened and other concessions granted; but an English mob may attack a Chinaman in London and half kill him without the Emperor of China threatening to go to immediate war with Great Britain, unless some absurd demands are agreed to and Hongkong given back to China.

As I suppose you are now aware that your informant was in error as to the actions and sayings of Messrs. "Ho" and "Ling," I will allow the subject to pass, but it is indeed most unfair to condemn, in no unmeasured terms, two men innocent of ever having thought of or committed the wrongs of which you have accused them.

How is it that a little time ago an armed mob in San Francisco attacked the Chinese quarter of the town and wantonly murdered a number of Chinamen, simply because these frugal, sober, and industrious people are able to do work better and cheaper than factious Americans? So far as we have yet heard no arrests have been made or any one punished. In Chicago lately, Denis Kearney asked a mob, what shall be done with the Chinese labourers in America? The unanimous shout was "hang them." The President of the United States is said to have resolved to make a positive demand on the Chinese Government for a discontinuance of Chinese immigration to America: if agreed to, this will cut both ways. Compare the unmerciful persecution of Chinese in America with the peaceable residence of Europeans all over China—when they do not offend against the laws of the country—and the Europeans will find a long credit on the side of the Chinese. Out of ten differences that occur in China between foreigners and natives, official records shew that nine originate with the Protestant Missionaries.

The charge in the memorial to Lord Salisbury that "Ling Ying Lin hired a mob," I deny, and defy your community, the Rev. Mr. Wolfe, or any other person to produce or bring forward any substantial proof of the accusation. The statement is a mere fabrication and must have been made by some one suffering from intense mental derangement. The length of this letter prevents me from answering now many other equally untenable statements which you have brought before the public as facts.

The differences between the Chinese and the Missionaries will soon be the subject of official investigation before H.B.M. Consul here. Be the Chinese right or wrong, in their own country we have no right to interfere with their convictions, and any one who undertakes to overthrow a national religion must be content to suffer persecution. If he suffer for conscience sake, he merits our compassion; but active interference on our part will assuredly lead to no other result than political disaffection.

PRESENTATION TO THE HON. CECIL C. SMITH.

(Daily Press.)

Yesterday morning (15th) a deputation consisting of about fifteen of the leading Chinese merchants and gentry, waited upon the Hon. C. C. Smith, for the purpose of presenting to him an address expressive of the deep sense they entertain of the services rendered by him in the various posts he has held in this colony during a period of sixteen years; and especially during the time when he held the office of Registrar-General.

The address, which we give at length below, is embroidered on a magnificent silk screen, and will form a valuable memorial of the confidence and esteem with which the educated part of the Chinese community repay the honest endeavour of an able official to promote the best interests of every class of Chinese resident in this colony.

The address is signed by Messrs. Leung On, Mok Shi-young, Fung Ming-shan, Wong Kwan-tong, and one hundred and twenty-three others.

The address was accompanied by the following valuable presents:—A splendid crimson silk umbrella, on which the names of the gentlemen who signed the address and have participated in this handsome testimonial are embroidered. Two crimson silk scrolls with complimentary sentences. Also a very handsome silver goblet, which the rules of the service will not allow Mr. Smith to receive without the consent of the Secretary of State.

This spontaneous presentation cannot fail to be most gratifying to Mr. Cecil Smith and his numerous friends in this colony.

(Translation.)

To the Honourable Cecil Clementi Smith.

Dear Sir,—In living under your kind protection, we, the undersigned merchants, have been happily favoured with your excellent administration, and with expectant gaze we shall ever regard the place you will soon leave vacant with feelings of heartfelt gratitude.

my stor[illegible] wage warfare with the fish; but no sooner have I entered, than, forgetting the purpose which brought me there, I take my lute and provoke the birds around me to break forth in song.

"Sometimes the last rays of the sun overtake me considering in silence the tender solicitude of a swallow for its little ones, or the stratagems of a hawk for pouncing on its prey. The moon has risen, but I still sit on. It is one pleasure more. The murmur of the waters, the susurration of the leaves agitated by the breeze, and the beauty of the heavens, plunge me into a sweet reverie. All Nature speaks to my soul, and I lose myself in listening; the night is already half over when I reluctantly arrive at the threshold of my door. When slumber forsakes me, or dreams wake me up, I am able to anticipate the dawn, and to watch from the summit of a hill, the pearls and rubies with which Aurora strews the path of the advancing Sun.

"My friends often come and interrupt my solitude, for the purpose of reading me their works and of listening to mine. I invite them to share my amusements; wine enlivens our frugal repasts, and philosophy imparts the seasoning: and since the Court patronises the debauched, caresses the slanderer, forges manacles and spreads nets for the unwary, we invoke Wisdom, and offer her our hearts. My eyes are ever turned towards her; but alas! her beams illumine me only through a thousand clouds. Could they be dispersed, were it even by a tempest, this solitude would be to me indeed a Temple of Pleasure. What do I say? Father, husband, citizen and man of letters, a thousand duties are incumbent on me; my life is not my own. Farewell, dear garden, farewell. The love of my country and my fellow-men calls me to the city. Keep safely all thy pleasures until my return, that my sorrows may be soothed and my virtue saved from all assaults."

Extracts.

THE REV. MR. WOLFE'S REPLY TO MR. BIDWELL.

Foochow, 30th October, 1878.

To the Editor of

"THE FOOCHOW HERALD."

DEAR SIR,—Referring to Mr. H. S. Bidwell's letter which appeared in your issue of the 10th instant, I regret that my absence from Foochow rendered me unable at once to correct some erroneous statements and misrepresentation of facts made in that letter, I do not say intentionally, relative to myself and the property held by the Church Mission at Wu-shih-shan. It is a great pity, however, that your correspondent, who professes to look at the case from a purely disinterested point of view, did not adopt the plan which he humbly recommends to others, and—before writing—take more pains to make himself acquainted with the subject. Had Mr. Bidwell done this, I am willing to believe he would never have written his letter of the 7th instant.

1.—He assumes that the missionaries have built a house on ground that did not belong to them. Now, this is absolutely incorrect. The house in question was built upon a small piece of land which has been in the possession of the missionaries for the last 20 years. It has been surrounded all these years by a wall, as part and parcel of the mission property, for which we now hold a deed, stamped with the official seals of the Hou Kwan Magistrate and H. B. M. Consul.

2.—Mr. Bidwell asserts, as a "carefully ascertained fact," that the "missionaries rented certain land and houses on Wu-shih-shan on the understanding that no foreign houses or anything that would interfere with the prejudices of the people should be erected thereon." No such understanding ever existed, or was known to exist by the missionaries, or by any body else. If such an understanding had existed, how is it that during all these years the Chinese never objected—though three foreign houses have been erected on the ground and have stood there for the last 20 years? These houses were in existence when the deed was drawn up in 1867. In 1871, when one of these foreign built houses was accidentally destroyed by fire and the one which now replaces it was built, its erection excited no opposition and not a word of objection was raised by any one against it. All this is inexplicable on the supposition that an understanding such as Mr. Bidwell asserts had existed. The truth is, as I have already said, no such understanding it exist, and it was utterly unknown to the Chinese till your disinterested correspondent, by some wonderful process of research, discovered it in the depths of his own consciousness, and by the aid of his most vivid imagination recorded it in the columns of your valuable paper as "a carefully ascertained fact"!!

3.—Another of Mr. Bidwell's carefully "ascertained facts" is to the effect that the missionaries had built a kitchen, or some such building, on the vacant piece of land for which Mr. Wolfe had agreed to pay a rental of $12 per annum, and that another vacant piece of land close by was taken by the missionaries, and represented by them as the piece for which they had agreed to pay $12 per annum. Now, Sir, this statement is absolutely and palpably untrue, and perhaps the missionaries may feel inclined some day to impose upon Mr. Bidwell the unpleasant task of proving his assertions. If your correspondent had taken the trouble to ascertain the real facts of the case and not have drawn so much on his own imagination, he would have found that the kitchen to which he refers stands exactly where it did 25 years ago, when the house with which it is connected was occupied by the Rev. Mr. Fearnly, and that the vacant piece of land in question was rented by Mr. Smith some years subseqaently, and incorporated in the deed of 1867. When this deed was made, the "kitchen" to which he refers was in existence, and the only vacant piece of ground adjoining the house (not *four* houses as Mr. Bidwell asserts) to the right of the Tau-shan-kwan was the piece in question. These are the real facts of the case, and I challenge Mr. Bidwell or any body else to show the contrary.

4.—With reference to the native buildings which he says were torn down by me, or by my orders, and the foreign "mansions" erected by me in their place, I have to remark in the first place, that no native buildings have been torn down by me, or by my orders, and that I have had no hand in building the foreign houses to which he refers,—they were all built years before I came to Foochow; and in the second place there were no "native buildings" on the ground when the deed was made between the trustees and myself in 1867.

5.—He further asserts that these "foreign mansions" cover the entire original area of the ground formerly occupied by the native buildings as well as the several pieces of land mentioned in the yearly lease in question. Here, also, Mr. Bidwell's facts are at fault. In 1871 one of these old houses was destroyed by fire, and the "mansion," as Mr. Bidwell is pleased to style it, which was built to replace it, instead of occupying a larger area occupies a much smaller one—because of the old house having been a long bungalow, while the one that replaces it is a double-storied house. It certainly occupies more space in the air, and perhaps Mr. Bidwell's imagination substituted *earth* for *air*. The property as it now stands is precisely as it was in 1867, when the lease was made,—except in this particular, that the vacant ground is a little larger, in consequence of the new house that was built in 1876 by the Rev. Mr. Mahood not occupying so large an area as the old bungalow. In the face of all that has been said, and considering that we possess a lease properly and legally signed and sealed by the official seals of the lawful Magistrate and H. B. M. Consul, it requires, I think, more than ordinary audacity and capacity for recklessness of assertion, to say—as your correspondent does in reference to the Mission property at Wu-shih-shan—that the "ground is without doubt absolutely, wrongly, and illegally annexed by the Mission."

6.—Mr. Bidwell asserts that it is a well-known fact in Foochow "that out of ten cases which have lately occupied the attention of the Foreign Office here nine have been brought against the Rev. Mr. Wolfe by the *peasantry and poor people* from the surrounding districts." Seeing that Mr. Bidwell's "carefully ascertained facts" hitherto have all proved to be mere assumptions of his own, it seems almost natural to expect that this "well-known fact" of his is also of the same baseless character. And we are not disappointed. I certainly am not aware of any such cases having been brought against me "by the *peasantry and poor people* from the surrounding districts." Several cases have, however, been brought against *gentry and literati* by the poor Christian peasantry and people of the surrounding districts, whose chapels have been destroyed, their houses torn down, their property taken from them, their persons injured, and in one or two cases, their lives taken away, under the influence and instigation of the gentry and *literati*,—whose conduct, I am sorry to say, has been too often abetted by the local authorities. But the object of your correspondent, in inventing this story, is transparent. He wishes to shield his *protéges*, the "*literati* and the officials," and as he cannot enlist truth on his side, he very prudently gives it a wide berth, and betakes himself, as usual, to his own mode of defense. It is a "well-known fact," however, that all the trouble in this City, and all over the country, experienced by missionaries and native Christians, "emanates and results" from the hostility of these classes against foreigners and everything connected with them, and not from the *peasantry and poor people*, than whom there is not a more peaceable and well-disposed peasantry anywhere:—when not excited and inflamed by the gentry and their hired mob who recently, and on a former occasion, tore down the Mission Chapels in Kieng Ning Foo. It was the gentry and *literati*, headed by the Magistrate, who six years ago tore down the Mission Chapel in Yen-ping-Foo, and for which no redress has yet been obtained. I could name several instances beside these and the late outrage at Wu-shih-shan, in which the gentry and *literati* have been the sole instigators of all the trouble and hostility experienced by foreigners and native Christians.

It is to be hoped that should Mr. Bidwell give any more of his disinterested labours to writing on behalf of the gentry, literati, and officials, he will pay a little more attention to *real* facts, and not indulge so much in assertions

and assumptions which have no foundation except in his own lively imagination.

Apologizing for the length of this letter,

I am, Dear Sir,

Your obedient Servant,

JOHN. R. WOLFE.

THE REBELLION IN KWANG-SI.

A Chinese merchant in this port has received a letter from the representative of his firm in Tonquin, desiring him to cease sending goods thither as General Li Yung-choi and his troops are on the frontier, and it is reported that he intends to proceed to the capital. At present no stranger is allowed to enter Tonquin for fear of spies being admitted.

Further news reaches us concerning Li Yung-choi's movements, but of its authenticity we have no means of judging. The latest reports are to the effect that the rebel General has taken five important towns in Yunnan; the names of the places, however, have not transpired. The Viceroy of Canton has been applied to for troops, but before complying with the request His Excellency, it appears, had despatched an envoy to report upon the necessity for such assistance; a course indicative of His Excellency's scepticism or caution. In the meantime, however, and pending the result of the mission of inquiry, the gunboats *Anlan*, Captain Godsil, and *Tching Po*, Captain De Longueville, are held in readiness to proceed on the shortest notice.—*Daily Press.*

A TERRIBLE FAMINE STORY.

A terrible story of famine and pestilence is told by a correspondent in Rio Janeiro. A district in Brazil, equal in extent to New England, the Middle Atlantic States, West Virginia, Ohio, and Indiana combined, has been without rain since July, 1875. Brooks, springs, and wells long ago dried up. Even river beds have now become dusty channels. Cattle, of which there were vast herds, have died of thirst. People perishing for want of food and water have fled from their homes, many of them dying, sometimes whole families together, before reaching a place of refuge. Those of them who escaped have overcrowded the cities of refuge so greatly as, in some cases, to multiply the population by five, and they are now herded together in the open streets, living like swine upon the scanty rations issued by the Government, and upon such refuse as they can gather in the gutters. Well-nigh naked, and utterly debased by their sufferings, they live in bestial immorality, not scrupling even at cannibalism, in some instances; while small pox, yellow fever, dysentery and some other diseases are sweeping them away by thousands. As if to leave no element of wretchedness out of the account, they are victims of most brutal ill-treatment at the hands of the police and soldiery, and, worse still, at the hands of vile speculators, who make a trade of these wretches' woes. The picture which the correspondent presents is scarcely matched in its ghastliness even by the old records of Oriental plague, and the story is more distressing by reason of the fact that these people were peaceful herdsmen and planters, cultivators of the soil, whose homes have been made desolate by causes which could neither be foreseen nor provided against. Their woes are not those of men who have chosen a life of crime, but those of industrious agricultural people, afflicted first with drought, then with famine, then with pestilence, and finally with that loss of moral sense which brutalizes into criminals without choice of their will. Until now this terrible story has not been told in this country. We have known only that in parts of Brazil the rainy season has failed, but we have not hitherto dreamed that such a famine as this afflicted so vast a territory.

THE LATE KING OF BURMAH.

The death of the King of Burmah is an event that may lead to important consequences. For one thing, according to the Indian papers, disturbances are likely to ensue which may necessitate the interference of the Indian Government and lead to the annexation of the country. The late King hated everything British, and, all his life long, cherished the idea of recovering the provinces lost to him by the last Burmah war. With this view he courted the alliance of other European powers in the foolish hope that one or other of them would help him against England. Another almost certain consequence will be an increase in the trade of the country, and the impetus given will not be unfelt here in the Straits. The late King monopolised nearly all the trade of his kingdom, but his successor is not likely to follow his example. Already a more liberal and enlightened policy seems to have been established by the abolition of several monopolies, and it seems probable that now at last has come the time for successfully carrying out the oft-talked-of and oft-tried project of opening a trade route to South Western China.

CHINESE LABOUR FOR CYPRUS.

The Correspondent of a London contemporary who was recently in Cyprus, in his observations on the chances of developing that island, came to the conclusion that coolies, Indian or Chinese, were about the only labourers who were likely to be of much use in it. The woes of California and Queensland, the terrible tales of Chinese cheap labour and immorality, and the sufferings of William Nye, must naturally have occurred to many persons in reading this. In the September number, however, of the *Nineteenth Century*, Sir Walter Medhurst, an authority who cannot be denied competence, puts in a plea for Chinese colonists. The Chinese emigrants, says Sir Walter, are by no means the scum of the Flowery Land, and the population of the Flowery Land which is not scum has some excellent characteristics. On the ugly subject of immorality the apologist rather "confesses" and "avoids." But if the Chinese are "kept in great order," like Larry McHale's cruel four-pounder, they are, according to Sir W. Medhurst, not bad citizens. Only they must be kept in very great order indeed. They must not be allowed to form secret societies, to which Lord Beaconsfield will regret to hear they are much addicted. They must be forced to be clean whether they will or no; the "no" being the probable and indeed certain alternative. Furthermore, the white man who comes in contact with them must be forcibly restrained from manifesting his anger at their competition, as he is but too apt to do. So that altogether a good deal of benevolent despotism seems one way and the other to be required if the Chinese are admitted among Western folk. Whether Cyprus, though not strictly a Crown colony either of a severe or mild type, is a good field for such an experiment, would be a knotty question. We rather doubt whether the Mediterranean Powers and peoples would be grateful to us for making the experiment. However, Sir Walter Medurst did not write with any view to our new possession, and he may be said to have made a very good fight for a nation who have hitherto suffered the treatment as the personage for whom [illegible] words of the benevolent Highland mi "nsebody prays."—*Rangoon Gazette.*

THE WAR WITH CABUL.

It will seldom occur to us to write on po subjects, for in a paper such as ours profes be, principally devoted to pastimes and s politics are out of place. We are of no Conservative or Liberal, so long as our s subjects are not interfered with. But this ing Cabul war, for war we suppose it must likely to interfere a great deal with sport i dia. The chief supporters of all amusemen sports in this country are the officers o army, and as in war time those who do not the front have to keep with their regi there is a gloomy prospect before us. could think that the war would be of but duration, we should not be inclined to take a despondent view of our sporting prospect notwithstanding the light-hearted mann which the English press writes of our occu the passes and taking towns some hundred from our frontier to intimidate the Amir apologising and making friends with us, this country, know that, except at Quett have not as yet got our noses into one passes, and that the Amir has made stron parations for our reception when we do get The very first movement in the war has h *faux-pas*. We knew nothing of the stren the Amir's forces at Ali Musjid, but we se a small force to attack it, and when we go enough to learn the actual force by which defended, we had to postpone our attack *si* This is not an encouraging beginning, esp in a country where first impressions go much. And if we were ignorant of the st of the Amir's force within such a few mi our own frontier, what do we know strength of his whole army? Dr. Bellew' mate of the Cabul army, written many yea in which he describes the men as badly and the guns as useless, has no applicat the army of Cabul as it at present exists. ourselves have supplied the Amir with e Enfield rifles to arm a very large force. W also given him some cannon, and there is nufactory for both small arms and big g the neighbourhood of Cabul. In fact we nothing of the Amir's resources at all, t native reports put down his regular ar 100,000 men, besides the hill men and oth drilled levies who will flock to his assi And all the force that we are sending forw present is under thirty thousand men, and these are split up into three divisions. not be said of this, as it was of the Bal charge, that it is magnificent; but it is true e that it is not war. The Government of has been driven into premature action Government in England, urged thereto English press, which knew nothing of th of the case, and now that we find the Am ly prepared to meet us at all points, who i blamed? If it was not the practice British army always to make mistakes beginning of a campaign, we should aug ill for our prospects of success for many to come in a war with Cabul. No doubt pluck will carry us through at last, but a cost of men and money it is difficult to g *Asian Sporting Newspaper.*

The
North-China Daily News.

SHANGHAI, NOVEMBER 9, 1878.

FOOCHOW.

The *Herald* gives publicity to a rumour that Ting Futai has received an Imperial commission to arrange the Wu-shih-shan difficulty. If this report is correct, there may be somewhat more chance of a settlement satisfactory to all parties. At all events, Ting Futai is from his official rank duly qualified to negotiate, and, judging by his past treatment of foreign affairs, is more likely to view the matter fairly than are any number of "legal advisers" of the great Ho Aloy stamp, or even Anglo-Chinese in native pay.—It is rumoured in the city that the Provincial Government has received orders from the Tsung-li Yamên at Peking to settle the Wu-shih-shan affair at once, in accordance with the following demands of the British *Chargé d'Affaires*. 1—The Missionaries to be compensated for any loss or injury sustained by them through the riotous proceedings of 30th August. 2—The instigators of the riot to be punished as well as the actual rioters. 3—The disputed boundaries to be arranged by the native authorities in concert with H.B.M.'s Consul. 4—The house burnt on the 30th August to be rebuilt by the Provincial authorities. 5—A proclamation to be issued by the Viceroy warning the people against any repetition of similar riotous conduct.—The *Herald* is informed that certain native officials have not been idle in the matter of suppressing evidence against the ringleaders in the late riot. This was, of course, expected by everybody—however remotely acquainted with the fearful intimidation and persecution practised on Chinese witnesses in cases in which foreigners are interested. The *fêng-shui-ites* and their friends will no doubt endeavour to make capital out of this, should the unwillingness of native witnesses to lose their heads lead to—what is only too probable—a miscarriage of justice.—The proposed reduction of *lekin* duty on opium, previously referred to, is, it is understood, postponed *sine die*. Meantime, the tax will be farmed by an association of Cantonese; and the smaller officials will perhaps continue to derive substantial squeezes from the levy.

The *Herald* refers to the rebellion in Kwang-si in the following terms:—Amongst other important items of general news, we may note the outbreak and rapid spread of a serious rebellion in Kwang-si, one of the southern provinces. This rebellion is headed by a military mandarin named Li Yêng-choi, an old Taiping chief, who submitted to the Imperialists and (rare fact) was pardoned. He subsequently and up to the present outbreak served in the Imperial ranks, where he has gained high distinction as a commander. Li is now said to be at the head of about 70,000 men, and has already defeated the Government forces in several engagements. His chances of success are, however, small, as the Imperialists are not only more numerous but better armed, to say nothing of their superior financial resources, which now-a-day more than ever constitute the sinews of war.—Through the courtesy of the Tartar General, the Race Club are again in a position to organise a meeting. Training will commence shortly; but it is to be regretted that the acquisition, by purchase, of a Course on Nantai should continue to be an unaccompliahed fact.

File

Ack. 6. P.

No. 103. One Enclosure.

DEPARTMENT OF STATE
MAR 13 1879
RECEIVED

Legation of the United States.

Peking, January 8th, 1879.

Chester Holcombe to

the Secretary of State.

Subject.

Consular Agency at Newchwang.

Dec. 1878

Synopsis.

Refers to a former despatch, number 75., and encloses a copy of a despatch received from the Consul at Chinkiang.

No. 103. One Enclosure.

Legation of the United States.

Peking, January 8th, 1879.

Honorable William M. Evarts.

Secretary of State.

Sir:—

In further reference to my despatch, number 75. of November 22nd ult. last, in regard to the establishment of a Consular Agency at Wuhu, and in which was enclosed a copy of a letter which I had addressed to Hon. Consul Colby, I now have the honor to hand to You a copy of his response. 1/103.

The despatch, number 48., to which the Chinkiang Consul refers

refers, formed an enclosure in Mr. Seward's despatch, number 244. of May 12th, 1877, to the Department.

I have the honor to be,

Sir,

Your obedient servant.

Chester Holcombe

Enclosure.

1. Asst. Secy Colby to Mr. Holcombe
No. 77. December 14th, 1878.

Despatch No. 103.
Enclosure.

Mr. Colby to Mr. Holcombe.
No. 77. December 14th, 1878.

Sir:-

I have the honor to acknowledge the receipt of your No. 33, and its two inclosures.

I beg to hand you herewith a copy (one inclosure) of my No. 642 to Mr. Oxenham, which explains my present views. I do not know as I have any recommendations at present to make as regards a Consular Agent at Wuhu, except to reiterate those contained in my No. 48, to the Legation.

If, in the future, the developement of American interests at Wuhu should demand further action on my part looking to the establishment of a Consular Agency at Wuhu, I will then make such further recommendations as to me shall seem appropriate to the exegencies of the case.

I am, &c,

(signed) J. C. S. Colby.

Mr. Colby to Mr. Oscenham.

No 642. December 12th, 1878.

Sir:-

I am the recepient through the kindness of Mr. Holcombe, our Chargé d'Affaires at Peking, of a copy of your despatch No. 54, of the 8th ultimo to him, in which you so kindly tender your services to act (as) in the capacity of U.S. Consular Agent at Wuhu.

I have also been honored by Mr. Holcombe with a copy of his reply to you, in which he states that inasmuch as Wuhu is under my supervision that your letter has been referred to me.

Touching the subject matter of the above correspondence I beg to say that, I am sincerely grateful to you for your kindly services to Mr. Smith, and highly approve of all you have done in his interest, and beg to express the hope and wish that you will continue, as the representative of a friendly nation, to render to him, or any other American citizen at your port, such assistance as occasion may seem to demand.

I am

In regard to your formal appointment as Consular Agent at Wuhu, I have to say that my advices from both the Department of State, and Minister Seward are to the effect that, my Government does not regard that American interests at Wuhu, are at present, of such a magnitude as to justify the appointment of a Consular Agent there.

When the period arrives that such an appointment should be deemed necessary in subservance of American interests at that port, the appointment must emanate from this Office, meet with the approval of the Consul General, and finally be confirmed by the Department of State.

I state these formalities of procedure for your information, should future circumstances make it desirable that my Government should tender to you the trust you have so kindly offered to undertake.

I am &c

(signed) J. C. L. Colby.

U.S. Consul.

Mr Wade

Washington. Janu. 17, 1879

DEPARTMENT OF STATE
JAN 18 1879
RECEIVED

My dear Mr Brooks.

Mr Bradford at my request will make an examination of the Fee Book, Blotters &c in order to check the word down upon them of Messrs Lewis & Coffey. Will you please give him access to the books. As Mr Sinclair was with the others, he might if convenient make the further examination with Mr Bradford, this would greatly facilitate the work.

Yours truly

Geo. F. Seward

Ack - express satisfaction
C. S.
Mr Adee

This is Inclosed
April 2. 1879
Wm Polk

No. 104. Three Enclosures.

Legation of the United States.

Peking, January 18th, 1879.

DEPARTMENT OF STATE
MAR 29 1879
RECEIVED

FOREIGN Relations 79

Chester Holcombe to
the Secretary of State.

Subject.

Mr. A. Jenkins' transit passes for the export of native produce from Ichuen.

Synopsis.

Mr. Holcombe refers to his despatches, numbers 76. and 91., and states that the Viceroy of Ichuen has disapproved the action of his local officials, and instructed them to allow the produce in question to proceed to Hankow.

Copies

Copies of correspondence with the Foreign Office, and Gen. Consul Shepard are enclosed.

No. 104. Three Enclosures.

Legation of the United States.

Peking, January 18th, 1879.

Honorable William M. Evarts.

Secretary of State.

Sir:

In further reference to the refusal of the local officials at Chungking, in the province of Ly Chuen, to recognize certain transit passes for the export of native produce, issued at Hankow to Mr. M. A. Jenkins, and to my action in the premises, as narrated in my despatches, numbered 76. and 91., I now have the honor to hand to you a translation of a later despatch

1/104.

which

which has been received from
H. I. H. Prince Kung.

You will be pleased to
see that the Viceroy of Szchuen
has promptly disapproved the
action of his subordinates, and
instructed them to allow Mr.
Jenkins' produce to proceed to its
destination without further
delay or interference.

2/104. I have requested Prince
Kung to communicate the thanks
of this Legation to the Viceroy,
and have given the necessary
3/104. information to our Consul
at Hankow.

I have the honor to be,
Sir,
Your obedient servant.
Chester Holcombe

Enclosures.

Enclosures.

1. Prince Kung to Mr. Holcombe
   7/1879. January 17th, 1879.
2. Mr. Holcombe in acknowledgment.
   2/1879. January 18th, 1879.
3. Mr. Holcombe to Mr. Shepard.
   No. 58. January 18th, 1879.

Despatch No. 104.
Inclosure 1.

1/1879.

Prince Kung, Chief Secretary of State for Foreign Affairs, herewith makes a communication.

In the matter of the transit passes taken out by Mr. M. A. Jenkins of Hankow for the exportation of native produce from Szchuen, upon the 6th December last I had the honor to receive a communication from you saying that in case action was deferred upon my part until my instructions had reached the several local authorities concerned, and their reports could be received by me, a further delay of six or seven months must ensue before the merchandise in question could be forwarded to its destination; and shortly after the receipt of that despatch, you called in person at the Foreign Office and urged that the Viceroy of Szchuen be pressed to give the business immediate attention.

This Office, upon your request instructed the Viceroy named above to give the (necessary

necessary orders at once to the local authorities to straighten out this business without delay and so informed you.

I am now in receipt of the Szchuen Viceroy's response in which he informs me that he has received a report from Chin-Kwei, the Superintendant of the Lekin Tax Station at Kwei chow, and his associate officers stating that in the past few years the Lekin Tax Station at Kwei-Chow has suffered a loss of over two hundred thousand taels in each year from the exemption from tax given to foreign goods passing into the interior under transit certificates. Native produce passing out of the province is also covered by these certificates, and consequently the most valuable commodities of Szchuen pay dues at Ichang. The Kwei-Chow Office is not allowed to levy upon them, and the Office seems to have been established for no purpose, etc. etc.

The Viceroy endorsed this statement to the effect that goods both for import and export were protected with transit

(certificates,

certificates, and in consequence the revenues of the Kiwei Chow Lekin Station were diminishing, there could be no doubt of this. But Article 7. of the Trade Regulations attached to the Treaty with the United States declares that. "Produce purchased "by a citizen of the United States in the "interior will be inspected and taken account "of at the first barrier it passes on its way to "the port of shipment. A memorandum "showing the amount of the produce, and "the port at which it is to be shipped, "will be deposited there by the person in "charge of the produce; he will then receive "a certificate, which must be exhibited "and viséd at every barrier on his way to "the port of shipment. On the arrival "of the produce at the barrier nearest the "port, notice must be given to the Customs "at the port, and the transit dues thereon "being paid, it will be passed. On exportation, "the produce will pay the tariff duty, &c. &c.

The American merchant, Mr. A. Jenkins, having received from the Customs at Hankow certain transit passes for the

(export

export of Szchuen produce, and the Customs at Ichang having informed the Lekin officials at Kwei-Chow, all the steps thus taken were in accordance with the requirements of the Treaty. But the course taken by the Superintendent of the station at Kwei chow, to prevent the export of the produce in question was in violation of the stipulations of the treaty. He is directed to inspect the produce purchased by the American merchant at once, and to issue his certificate, and to pass it for export without further delay. If goods unenumerated in the transit certificates are presented for export, they must of course pay the various taxes and dues at each of the stations and barriers passed, according to regulations etc. etc. Thus the Viceroy of Szchuen.

It becomes my duty to communicate the foregoing substance of his reply for your information.

Chester Holcombe, Esquire,
etc. etc. etc. etc.

Peking, January 17th, 1879.

Despatch No. 104.
Enclosure 2.

2/1879.

Mr. Holcombe to Prince Kung.

January 17th, 1879.

I have the honor to acknowledge the receipt of Y. I. H.s despatch — communicating the substance of the report of the Viceroy of Szchuen as to the action taken by him in the matter of the native produce covered by transit certificates taken out by Mr. M. A. Jenkins, and which the Lekin officers at Kwei chow had refused to recognize.

My Government will be much pleased to hear of the prompt and just action of H. E. the Viceroy, and I beg of Y. I. H. to communicate to him, my most sincere thanks.

I have, &c,

(Signed) Chester Holcombe.

Despatch No. 104.
Enclosure 3.

Mr. Holcombe to Mr. Shepard.
No. 58. January 18th, 1879.

Sir:—

Recurring to my despatch No. 57. in the matter of the refusal of the local authorities at Chungking in Szchuen to recognize certain transit passes taken out by Mr. M. A. Jenkins for the export of native produce from Szchuen, I have the honor to enclose for your information a translation of a despatch from the Foreign Office in the premises.

You will see that the Viceroy of the province named has promptly disapproved the action of his subordinates, and has instructed the officials at the Lekin station at Kwei-chow to issue the customary certificate for Mr. Jenkins' produce and to allow it to pass without further delay.

I am, &c,

(Signed) Chester Holcombe,

Mr adee

No. 105.

Legation of the United States.

Peking, January 20th, 1879.

DEPARTMENT OF STATE
MAR 29 1879
RECEIVED

Chester Holcombe to the Secretary of State.

Subject.

Receipt of instructions.

Synopsis.

Department instructions, numbered 249. 250. 251. 252. and 253. respectively, have been received.

No. 105.

Legation of the United States.

Peking, January 20th, 1879.

Honorable William M. Evarts.

Secretary of State.

Sir:—

I have the honor to acknowledge the receipt of your instructions, numbered respectively, 249. 250. 251. 252. and 253.

I have the honor to be,

Sir,

Your obedient servant.

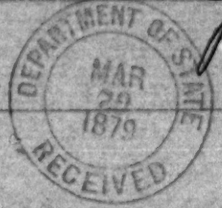
Chester Holcombe

Mr Adee

File

No. 106.

Legation of the United States.



Peking, January 20th, 1879.

Chester Holcombe to
the Secretary of State.

Subject.

Commission of the Consular Agent at Swatow.

Synopsis.

Mr. C. C. Williams certificate of appointment has been forwarded to him in the usual course. His exequatur was secured from the Chinese Government in October last.

No. 106.

Legation of the United States.

Peking, January 20th, 1879.

Honorable William M. Evarts.

Secretary of State.

Sir:—

Referring to your instruction, number 251., which enclosed the certificate of appointment of Coben C. Williams as Consular Agent of the United States at Swatow, I have the honor to inform you that I have forwarded his commission to Mr. Williams, through the Consulate General and our Consul at Canton.

Mr. Williams was recognized in his consular capacity by the

the Chinese Government, upon the 26th October last.

I have the honor to be,

Sir,

Your obedient servant,

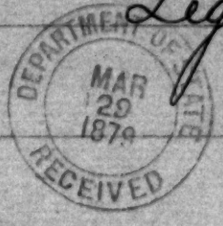
Chester Holcombe

4

Mr Adee

No. 107.

Legation of the United States.



Peking, January 21st, 1879

Chester Holcombe to
the Secretary of State.

Subject.

Department mail-pouches.

Synopsis.

In response to Department's instruction, number 252., Mr. Holcombe states that the pouches do not come to this Legation but are opened at Shanghai. He has called Mr. Bailey's attention to the subject.

No. 107.

Legation of the United States.

Peking, January 21st, 1879.

Honorable William M. Evarts.

Secretary of State.

Sir:—

In response to your instruction, number 252., requesting the return of any Department mail-pouches which may be in my possession, I have the honor to inform you that the Department pouches do not come on to this Legation, but are opened at the Consulate General, from which office the return bags are also forwarded.

I have sent a copy of your

your instruction to Lieut. Bailey and have requested him to give to it his immediate attention.

I have the honor to be,
Sir.
Your obedient servant.
Chester Holcombe

Mr. Adee

No. 108.

Legation of the United States.

Peking, January 29th, 1879.

DEPARTMENT OF STATE
MAR 29 1879
RECEIVED

Chester Holcombe to
the Secretary of State.

Subject.

Receipt of instructions.

Synopsis

Department instructions, numbers 254. to 260. inclusive, and "Separate" dated November 22nd, 1878. have been received.

No. 108.

Legation of the United States.

Peking, January 29th, 1879.

Honorable William M. Evarts,

Secretary of State.

Sir:—

I have the honor to acknowledge the receipt of your instructions, numbered respectively, 254. 255. 256. 257. 258. 259. and 260.; also your instruction dated November 22nd, 1878. marked "Separate" and calling for a separate report, in duplicate of the passports issued during each year from this Legation.

I have the honor to be,

Sir,

Your obedient servant,

Chester Holcombe

No. 109.

Legation of the United States.

Peking, January 29th, 1879.

DEPARTMENT OF STATE
MAR
29
1879
RECEIVED

Chester Holcombe to the Secretary of State.

Subject.

Passport returns for 1878.

Synopsis.

The Departments instruction dated November 22nd, 1878, will be complied with, as soon as certain necessary reports from the Vice Consul General and the Consul at Lientsin shall have been received.

No. 109.

Legation of the United States.

Peking, January 29th, 1879.

Honorable William M. Evarts.

Secretary of State.

Sir:

In response to your separate instruction, bearing date November 22nd ultimo, and requesting me to prepare and forward to the Department, at as early a day as may be practicable after the 1st of January in each year, a brief statement, in duplicate, of the number of passports issued by this Legation, and the total amount of fees received therefor, during the preceding calendar year, I have

have the honor to inform you that some weeks since, I instructed the Vice Consul General, and the Consul at Tientsin, with whom certain blank passports had been deposited, to report to me the number issued by them during the year 1878. As soon as the necessary information is received, your instruction will be complied with.

I have the honor to be,

Sir,

Your obedient servant,

Chester Holcombe

Made

No. 110.

Legation of the United States.

Peking, January 30th, 1879.

DEPARTMENT OF STATE
MAR 29 1879
RECEIVED

Chester Holcombe to the Secretary of State.

Subject.

Loss of the American bark "Forest Belle."

Synopsis.

The instruction of the Department number 257. to have a thorough investigation, will be complied with at once.

No. 110.

Legation of the United States.

Peking, January 30th, 1879.

Honorable William M. Evarts.

Secretary of State.

Sir:

I have had the honor to receive your instruction, number 257, transmitting certain papers which refer to the loss of the bark "Forest Belle", of Portland, Oregon, upon the southern coast of the island of Formosa in March last, and directing me to cause a thorough investigation of all the facts and circumstances to be forthwith made by some competent and trustworthy person, and to report

report the result to the Department.

Steps will be taken at once to carry this instruction into effect.

I have the honor to be,

Sir,

Your obedient servant.

Chester Holcombe

Mr. Adee
Col. Morgan

No. 111.

Legation of the United States.
Peking, January 30th, 1879.

DEPARTMENT OF STATE
MAR 29 1879
RECEIVED

Chester Holcombe to
the Secretary of State.

Subject.

Contingent expense account.

Synopsis.

Mr. Holcombe apologizes for the delay in sending forward a statement of the account for the year ended June 30th, 1878. It will be sent at the earliest possible moment.

No. 111.

Legation of the United States.

Peking, January 30th, 1879.

Honorable William M. Evarts,

Secretary of State,

Sir:-

I beg leave to apologize to the Department for the delay in sending forward the usual statement of the incidental expenses of this Legation for the year ended June 30th, 1878.

The mail service between this city and Shanghai is in a state of utter confusion, and, as a result, certain necessary vouchers, for which I wrote to the latter four months ago, have not yet come

come to hand.

The account in question, will be forwarded at the earliest possible moment.

I have the honor to be,

Sir,

Your obedient servant.

Chester Holcombe

Mr Adee
Col. Morgan

No. 112 Asks authority for Mr Holcombe to draw on Dept of State for amount. Mr Polk

One Enclosure.

Legation of the United States.

Peking, January 31st, 1879.

Chester Holcombe to

the Secretary of State.

Subject.

Corrected statement of cost of telegrams.

Synopsis.

Refers to Mr. Holcombes despatch, number 100. and states that an error was made in the amount due for the cipher telegram sent December 26th. Forwards correct statement and requests permission to draw for the amount.

No. 112. One Enclosure.

Legation of the United States.

Peking, January 31st, 1879.

Honorable William M. Evarts.

Secretary of State.

Sir:—

Since my despatch, number 100. of December 28th last, was written, the agent of the Russian telegraph line has called my attention to an error in his statement of the cost of the telegram sent to you December 26th. He failed to make the customary additional charge to which the message, being in cipher, was liable.

I have the honor to enclose herewith 1/112.

herewith a corrected statement of the cost of the telegram in question, which I beg you to substitute for that which was sent in my earlier despatch.

Please allow me to draw upon you, in the usual course, for the amount due.

I have the honor to be,

Sir,

Your obedient servant.

Chester Holcombe

Enclosure.

1. Corrected statement of the cost of a cipher telegram sent, via Kiachta, to the Secretary of State, December 26th, 1878.

RUSSIAN TELEGRAPHIC AGENCY AT PEKING.

No 135.

The Telegram of 48 words sent by Mr Holcombe to Washington.

was forwarded from Peking to Kiahta on the 26 December 1878.

Received Payment $ 60. 84.

acting Telegraphic Agent. N. Gornboeff

Despatch No. 112.
Inclosure.

The United States
To Chester Holcombe Dr.

1878
Dec. 26th — To cost of one telegram of 48 words sent via Kiachta to the Secretary of State, as per voucher herewith $60.84

E. & O. E.
Chester Holcombe

Legation of the United States,
Peking, January 31st, 1879.

Wadee
Col. Morgan

No. 113. One Enclosure.

DEPARTMENT OF STATE
MAR 29 1879
RECEIVED

Legation of the United States.
Peking, January 31st, 1879.

Chester Holcombe to
the Secretary of State.

Subject.

Cost of telegram sent Sept 4th, 1878.

Synopsis.

Mr. Holcombe refers to Department instruction number 254, and states that he has drawn upon the Secretary of State for the amount due. Encloses statement and voucher.

No. 113. One Enclosure.

Legation of the United States.

Peking, January 31st, 1879.

Honorable William M. Evarts.

Secretary of State.

Sir:—

Referring to your instruction, number 254., in which my action in referring the Peruvian Ministers request for the good offices of this Legation to you by telegram was approved, I have the honor to inform you that I have this day drawn upon you for the cost of the message, as indicated in my despatch, number 62. of October 29th ult.

I enclose the usual statement

1/113

statement of account with voucher.

I have the honor to be,

Sir,

Your obedient servant.

Chester Holcombe

4

Enclosure.

1. Cost of telegram sent to the Secretary of State, September 4th, 1878.

made

No. 114.

DEPARTMENT OF STATE
MAR 29 1879
RECEIVED

Legation of the United States.
Peking, February 14th. 1879.

Chester Holcombe to
the Secretary of State.

Subject.

Calls at the foreign and Chinese new Years.

Synopsis.

The usual calls have been exchanged between Mr. Holcombe and the Heads of the Chinese Government. Nothing worthy of note occurred.

No. 114.

Legation of the United States.

Peking, February 1st, 1879.

Honorable William M. Evarts,

Secretary of State.

Sir:

I have the honor to inform you that the usual calls of congratulation upon the occurrence of the foreign and Chinese New Years have been made between the members of the Chinese Government and myself.

Upon the 6th of January last, Prince Kung, accompanied by the Ministers of the Foreign Office, and the Heads of the various Departments of His Imperial Majesty's Government,

to

to the number of 33 persons, & called upon me, and yesterday, in company with my colleagues, I returned their visit, and & congratulated them upon the opening of another Chinese year.

Nothing worthy of comment occurred at either interview.

I have the honor to be,

Sir,

Your obedient servant.

Chester Holcombe

W. Adee
Col. Morgan

No. 115. One Enclosure.

Legation of the United States.

Peking. February 3rd, 1879.

DEPARTMENT OF STATE
APR 19 1879
RECEIVED

Chester Holcombe to

the Secretary of State.

Subject.

Salary account.

Synopsis.

Mr. Holcombe forwards a statement of his account for salary for the quarter ended December 31st, 1878.

T.M.

No. 115. One Enclosure.

Legation of the United States.

Peking, February 3rd, 1879.

Honorable William M. Evarts.

Secretary of State.

Sir:-

I have the honor to hand to you herewith, a statement of my account for salary for the quarter ended December 31st, 1878, with the usual vouchers. 1/115.

A duplicate statement will be forwarded by the next steamer.

I have the honor to be,

Sir,

Your obedient servant.

Chester Holcombe

4

Enclosure.

Enclosure.

1. Statement of salary account for the quarter ended December 31st U. 1878.

W. Wade
Col. Morgan

No. 116. One Enclosure

Legation of the United States.
Peking, February 3rd, 1879.

Chester Holcombe to.
the Secretary of State

Subject.

Legation rent account.

Synopsis.

Mr. Holcombe forwards a statement of the account for rent for the quarter ended December 31st, 1878.

TM

No. 116. One Enclosure.

Legation of the United States.

Peking, February 3rd, 1879.

Honorable William M. Evarts.

Secretary of State.

Sir:

I have the honor to submit to you, herewith, a statement of the rent account of this Legation, for the quarter ended December 31st, 1878., with the usual vouchers. No. 116.

A duplicate will be forwarded by the following mail.

I have the honor to be,

Sir,

Your obedient servant.

Chester Holcombe

Enclosure.

Enclosure.

1. Statement of the Legation rent account for the quarter ended December 31st, 1878.

Mr. Holcombe
please report
upon this question
L. P.

Aside [note of H.O.C.]
April 22
1879

made

No. 117.

Legation of the United States.
Peking. February 5th, 1879.

Chester Holcombe to
the Secretary of State.

Subject.

Chinese as naturalized citizens of
the United States.

Synopsis.

Mr. Holcombe refers to Department
instruction number 250, states
that circumstances of much
embarrassment may arise at any
moment, and requests such further
instruction as may seem proper.

There is no room for
discussion on this question
Chinese - Japanese - all
persons of Mongolian race
are excluded from citizenship
by naturalization by the
laws of the U.S.

Mr. Adee suggests that
the minister be instructed
to be guided in his future
conduct by the despatches 250
and 251 and a case arise
of the character Mr. Holcombe
now anticipates, presenting
judicial complications
then let him report facts
and ask special instructions

Cannon
April 21st

No. 117.

Legation of the United States.

Peking. February 5th, 1879.

Honorable William M. Evarts.

Secretary of State.

Sir:-

I have already had the honor to acknowledge the receipt of your instruction, number 250., having reference to the protection to be given to persons of Chinese birth, having United States certificates of naturalization and resident at Shanghai or other points in this Empire.

If I correctly gather the tenor of your instruction, it is doubtful whether such certificates

can,

can, under the Constitution and laws of the United States, be given to persons of Chinese birth, and that although the Department hesitates to take action in construction of the law on this subject, it is advisable that nothing be done in China to commit the Department to any assertion, toward this Government, of the validity of such certificates.

As remarked in my despatch, number 37., the number of persons of this class, resident in China, is small, and it is to be hoped that no cases will arise in which any officer of our Government will find it necessary to afford or to refuse them

them his protection. At the same time there are certain factors in the situation which may, at any moment, give rise to embarrassing questions, and in view of these, I beg leave to recur to the subject, in order to receive such further instructions, as you may see fit to give.

The treaties between the United States and China give to the former exclusive jurisdiction over its own citizens in matters civil and criminal. In order to carry into effect this provision of the treaties, certain judicial powers have been given to the diplomatic and consular authorities of the United States here. Thus, in case of

of a suit at law between citizens of the United States resident in China, or a criminal action brought against a citizen, the Consular officer within whose district the events which gave rise to the legal proceedings occurred, is made a judge of a court of first instance to hear and decide the case, and the Diplomatic Representative is required, within certain limits, to sit as final judge in case of appeal. If the complainant be a Chinese subject, and the person against whom the suit or action is brought, a citizen of the United States, the same procedure is followed.

Thus American citizens, whether

whether native born or naturalized,
are not only entitled to protection,
in their persons and property,
at the hands of the agents of our
Government here, but are, in
turn, amenable to the laws of the
United States as administered in
our Consular Courts, and in the
Court of Appeal, by the person in
charge of this Legation.

In the case of naturalized
citizens, any doubt as to the
validity of their certificates of
naturalization, not only affects at
once the question of their right to
the protection of our Government,
but also, and not less directly, the
other question of the power of the
agents of the Government to assume
jurisdiction

jurisdiction over them, and the legality of any punishment inflicted upon such persons for violation of the laws.

The obligation existing between a Government and its citizens being of a reciprocal nature, in which the former is bound to afford its protection to the latter, who, in turn, render obedience to its statutes, it is not to be supposed that this obedience on the part of any person can be demanded, if the Government, doubtful of that persons citizenship, refuses him protection.

And hence, it becomes important to decide what course shall be taken in the Courts of the

the United States in China with cases in which persons of the class mentioned are concerned.

For example, suppose a person of Chinese birth having United States certificate of naturalization appears before the Court of the Tientsin Consulate as defendant in a civil suit or criminal prosecution, shall the judge assume jurisdiction in the premises, and proceed to inflict legal penalties upon the defendant, if found guilty? Or suppose, the lower judge having tried the case, it should be appealed to this Legation, what course should be pursued here? In view of your instruction, number 250,

of

of the doubt as to the legality of the citizenship of the Chinese party to the case; and knowing that an application by him for my protection as against the Government of China, must probably be refused, would I be justified in proceeding to sit in judgment on the case, or should it be thrown out of court for lack of jurisdiction.

Cases of the sort mentioned may arise at any moment, and cause no little embarrassment. In view of this fact, I beg leave to ask you for such further and more definite instructions, as to the course proper to be pursued in the premises, as

Your

you may think best to give.

I have the honor to be,

Sir,

Your obedient servant.

Chester Holcombe